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Washington, Tuesday, June 2, 1942

The President

EXECUTIVE ORDER 9176

TRANSFERRING THE ADMINISTRATION OF THE ACT OF JUNE 8, 1938, AS AMENDED, REQUIRING THE REGISTRATION OF AGENTS OF FOREIGN PRINCIPALS, FROM THE SECRETARY OF STATE TO THE ATTORNEY GENERAL

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress), and as President of the United States, it is hereby ordered as follows:

1. All functions, powers and duties of the Secretary of State under the act of June 8, 1938 (52 Stat. 631), as amended by the act of August 7, 1939 (53 Stat. 1244), requiring the registration of agents of foreign principals, are hereby transferred to and vested in the Attorney General.

2. All property, books and records heretofore maintained by the Secretary of State with respect to his administration of said act of June 8, 1938, as amended, are hereby transferred to and vested in the Attorney General.

3. The Attorney General shall furnish to the Secretary of State for such comment, if any, as the Secretary of State may desire to make from the point of view of the foreign relations of the United States, one copy of each registration statement that is hereafter filed with the Attorney General in accordance with the provisions of this Executive order.

4. All rules, regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said act of June 8, 1938, as amended, and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Attorney General.

5. This order shall become effective as of June 1, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
May 29, 1942.

[F. R. Doc. 42-5046; Filed, May 30, 1942;  
10:00 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farm Security Administration

Subchapter I—Cooperatives

PART 383—LOANS AND GRANTS

RELEASE OR SUBORDINATION OF SECURITY

Part 383<sup>1</sup> of Subchapter I of Title 6, Chapter III, of the Code of Federal Regulations is hereby amended by the addition of the following section:

§ 383.0 *Release or subordination of security; and purchasing organizations (Defense Relocation Corporations and Land Purchase and Development Cooperatives).* (a) Regional Directors are hereby authorized to execute on behalf of the Government the necessary instruments releasing or subordinating the security of the Government represented by mortgages or other liens on real property acquired by land purchasing organizations (Defense Relocation Corporations and Land Purchasing and Development Cooperatives) with F.S.A. loan proceeds, in order to permit the granting of easements, rights-of-way, or the sale of timber or other interests, except gas and oil rights, in the lands under the following circumstances:

(1) When, in their judgment, such sale or disposal is in the best interest of the Government and all parties concerned.

(2) When the proposed easement or other right will not interfere with the operations of the property for the purpose for which it was acquired. [Administration Letter 525, April 30, 1942, paragraph I]

Approved May 21, 1942.

[SEAL]

C. B. BALDWIN,  
Administrator.

[F. R. Doc. 42-5051; Filed, May 30, 1942;  
11:08 a. m.]

<sup>1</sup> 6 F.R. 31.

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#### TITLE 8—ALIENS AND NATIONALITY

##### Chapter II—Office of the Alien Property Custodian

[Vesting Order No. 13]

##### PART 502—VESTING ORDERS

##### VESTING OF CERTAIN PATENTS

§ 502.13 *Vesting Order No. 13.* Under the authority of section 5 (b) of the Trading with the Enemy Act of October 6, 1917 (50 U.S.C.A. App. § 5 (b)), as amended by section 301 of the First War Powers Act, 1941 (Pub. L. No. 354, 77th Cong., 1st Sess. (Dec. 18, 1941) § 301), and pursuant to Executive Order No. 9095 of March 11, 1942 (7 F.R. 1971 (Mar. 13, 1942)), the undersigned, finding upon investigation that the patents enumerated in Exhibits A, B, C, D and E attached hereto and made a part hereof and the title of which stands of record in the United States Patent Office in the person whose name appears at the top of Exhibits A, B, C and D and opposite the number in Exhibit E are the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended, as defined therein, and that the action herein taken is in the public interest, hereby directs that there shall



be, and hereby is, vested in the Alien Property Custodian all right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in the patents enumerated in the aforesaid Exhibits A, B, C, D and E to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, claiming any interest in any or all of such property and/or any person asserting any claim as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form No. APC-1 within one year from the date of this order, or within such further time as may be allowed by the Alien Property Custodian. (E.O. 9095, 7 F.R. 1971)

This order shall be published in the FEDERAL REGISTER.

Executed at Washington, D. C., on May 29, 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

Patents standing of record in the United States Patent Office in the name of Robert Bosch, G. m. b. H.:

2,128,026	2,194,196	2,233,035
2,132,445	2,195,927	2,233,036
2,132,446	2,195,929	2,234,158
2,133,534	2,207,707	2,235,325
2,138,892	2,208,869	2,239,124
2,139,640	2,209,896	2,244,090
2,141,094	2,211,336	2,244,296
2,142,856	2,213,997	2,244,307
2,143,883	2,214,766	2,244,627
2,144,478	2,215,469	2,247,580
2,146,733	2,215,722	2,248,653
2,146,746	2,215,756	2,248,669
2,151,463	2,216,558	2,253,454
2,151,492	2,216,559	2,253,455
2,157,737	2,220,003	2,253,467
2,160,109	2,222,593	2,253,483
2,160,241	2,222,892	2,258,586
2,161,743	2,225,021	2,261,838
2,163,313	2,225,270	2,261,835
2,177,674	2,225,770	2,261,887
2,180,612	2,228,499	2,273,941
2,180,779	2,230,487	2,274,011
2,182,926	2,231,937	2,274,693
2,183,034	2,236,553	2,275,161
2,183,035	2,230,508	2,278,679
2,190,621	2,232,480	2,279,403

## EXHIBIT B

Patents standing of record in the United States Patent Office in the name of Fides Gesellschaft für die Verwaltung und Verwertung von Gewerblichen.

2,153,131	2,237,782	2,266,519
2,156,093	2,238,605	2,266,717
2,160,578	2,238,607	2,267,137
2,170,202	2,238,893	2,267,178
2,174,368	2,240,914	2,267,193
2,178,747	2,241,896	2,267,703
2,190,302	2,242,042	2,267,714
2,194,046	2,242,351	2,267,752
2,197,526	2,244,751	2,268,539
2,203,249	2,244,911	2,268,837
2,204,252	2,244,914	2,268,880
2,206,517	2,244,920	2,270,112
2,212,215	2,245,134	2,270,123
2,212,827	2,245,998	2,270,128
2,215,787	2,247,254	2,270,129
2,215,794	2,247,524	2,270,178
2,215,979	2,248,774	2,270,953
2,218,331	2,248,799	2,271,420
2,218,340	2,249,598	2,272,315
2,221,105	2,249,604	2,272,330
2,221,596	2,250,770	2,272,331
2,222,021	2,251,301	2,272,353
2,222,099	2,251,745	2,274,215
2,224,934	2,252,856	2,275,242
2,225,047	2,253,864	2,276,447
2,228,354	2,255,765	2,276,489
2,228,958	2,255,816	2,276,518
2,229,069	2,256,171	2,277,024
2,229,135	2,256,191	2,277,802
2,229,806	2,256,872	2,277,867
2,230,091	2,258,149	2,277,901
2,230,298	2,258,853	2,278,548
2,232,001	2,258,854	2,278,585
2,233,759	2,258,860	2,278,593
2,234,281	2,258,962	2,279,441
2,235,334	2,259,521	2,282,893
2,235,517	2,261,569	2,282,911
2,236,016	2,265,394	2,282,930
2,236,797	2,266,082	2,282,975
2,236,798	2,266,215	

## EXHIBIT C

Patents standing of record in the United States Patent Office in the name of Junkers Flugzeug und Motorenwerke Akt.:

1,765,917	2,228,860	2,265,461
2,162,950	2,228,867	2,270,158
2,170,039	2,230,036	2,270,920
2,175,293	2,231,341	2,270,943
2,189,829	2,232,138	2,271,321
2,193,120	2,236,482	2,272,664
2,196,563	2,236,653	2,274,017
2,203,885	2,242,002	2,277,173
2,204,279	2,242,374	2,277,175
2,217,468	2,242,765	2,278,395
2,218,114	2,246,116	2,278,397
2,218,128	2,259,969	2,280,659
2,222,457	2,260,978	2,282,516
2,223,508	2,263,788	2,283,432
2,227,333	2,264,408	

## EXHIBIT D

Patents standing of record in the United States Patent Office in the name of Lorenz, C. Aktiengesellschaft:

1,955,813	2,164,947	2,197,511
2,161,316	2,196,838	2,202,500

2,204,217	2,235,015	2,260,264
2,204,238	2,235,018	2,260,269
2,207,246	2,235,040	2,260,272
2,207,263	2,235,055	2,260,273
2,208,928	2,235,058	2,260,274
2,210,127	2,238,259	2,261,008
2,210,664	2,238,260	2,263,461
2,212,256	2,238,263	2,264,879
2,212,561	2,238,264	2,265,365
2,212,568	2,238,270	2,265,966
2,212,570	2,238,279	2,266,496
2,213,276	2,238,298	2,267,211
2,213,279	2,238,932	2,267,914
2,213,281	2,241,885	2,268,666
2,213,282	2,241,903	2,269,073
2,213,842	2,241,904	2,269,075
2,214,898	2,241,907	2,269,079
2,214,929	2,241,915	2,269,081
2,215,790	2,241,918	2,269,082
2,217,408	2,241,919	2,272,589
2,219,758	2,241,922	2,272,602
2,219,925	2,242,910	2,276,122
2,221,946	2,244,775	2,276,132
2,223,056	2,244,794	2,276,200
2,223,065	2,244,807	2,277,101
2,223,069	2,248,752	2,277,105
2,225,456	2,248,762	2,277,121
2,225,465	2,248,771	2,277,150
2,225,469	2,248,772	2,280,449
2,225,475	2,248,782	2,280,538
2,229,772	2,248,787	2,282,992
2,229,773	2,248,790	2,283,004
2,232,057	2,248,795	2,283,016
2,232,063	2,248,815	2,283,040
2,232,064	2,248,917	2,283,057
2,232,066	2,248,984	2,283,058
2,232,080	2,255,741	2,283,081
2,232,083	2,255,742	2,283,083
2,232,087	2,256,252	
2,235,003	2,258,006	

## EXHIBIT E—MISCELLANEOUS PATENTS

Stand of record in the U. S. Patent Office in the person whose name appears opposite the number.

Number	Name
1,452,027	Bergwerkgesellschaft Hibernia A. G.
1,476,283	Bergwerkgesellschaft Hibernia A. G.
1,478,889	Bergwerkgesellschaft Hibernia A. G.
1,533,941	Auschutz & Co., G. m. b. H.
1,538,403	Adrema Maschinenbauges m. b. H.
1,570,333	Bergwerkgesellschaft Hibernia A. G.
1,576,517	Adrema Maschinenbauges m. b. H.
1,577,981	Auschutz & Co., G. m. b. H.
1,586,233	Auschutz & Co., G. m. b. H.
1,589,039	Auschutz & Co., G. m. b. H.
1,589,682	Bergwerkgesellschaft Hibernia A. G.
1,616,089	Adrema Maschinenbauges m. b. H.
1,655,790	Adrema Maschinenbauges m. b. H.
1,655,791	Adrema Maschinenbauges m. b. H.
1,655,792	Adrema Maschinenbauges m. b. H.
1,673,966	Bergwerkgesellschaft Hibernia A. G.
1,681,702	Bergwerkgesellschaft Hibernia A. G.
1,685,733	Bergwerkgesellschaft Hibernia A. G.
1,685,734	Bergwerkgesellschaft Hibernia A. G.
1,700,803	Adrema Maschinenbauges m. b. H.
1,706,531	Adrema Maschinenbauges m. b. H.
1,708,018	Adrema Maschinenbauges m. b. H.
1,711,124	Auschutz & Co., G. m. b. H.
1,717,230	Adrema Maschinenbauges m. b. H.
1,717,231	Adrema Maschinenbauges m. b. H.
1,726,877	Bergwerkgesellschaft Hibernia A. G.
1,732,686	Adrema Maschinenbauges m. b. H.
1,745,730	Bergwerkgesellschaft Hibernia A. G.
1,750,551	Bergwerkgesellschaft Hibernia A. G.
1,803,940	Adrema Maschinenbauges m. b. H.
1,812,245	Adrema Maschinenbauges m. b. H.



1,812,526	Bergwerkgesellschaft Hibernia A. G.	2,179,426	Askania-Werker A. G.	2,248,446	Aktiengesellschaft vorm Seidel & Naumann.
1,812,527	Bergwerkgesellschaft Hibernia A. G.	2,179,509	Atlas Werke A. G.	2,248,562	Auschutz & Co., G. m. b. H.
1,816,733	Adrema Maschinenbauges m. b. H.	2,180,236	Askania-Werker A. G.	2,248,568	B. M. W. Flugmotorenwerke Brandenburg.
1,819,561	Adrema Maschinenbauges m. b. H.	2,181,832	Askania-Werker A. G.	2,248,889	Askania-Werker A. G.
1,829,848	Bergwerkgesellschaft Hibernia A. G.	2,183,379	Bayerische Stickstoff-Werke A. G.	2,249,319	Bayerische Motoren Werke Aktiengesellschaft.
1,831,943	Bergwerkgesellschaft Hibernia A. G.	2,183,459	Askania-Werker A. G.	2,250,341	Askania-Werker A. G.
1,837,292	Auschutz & Co., G. m. b. H.	2,184,576	Auschutz & Co., G. m. b. H.	2,251,155	Askania-Werker A. G.
1,839,340	Bergwerkgesellschaft Hibernia A. G.	2,184,616	Askania-Werker A. G.	2,251,729	Askania-Werker A. G.
1,840,104	Auschutz & Co., G. m. b. H.	2,185,970	Askania-Werker A. G.	2,252,492	Ansald Societa Anonima.
1,858,740	Bergwerkgesellschaft Hibernia A. G.	2,185,971	Askania-Werker A. G.	2,252,592	Barmer Maschinenfabrik A. G.
1,858,741	Bergwerkgesellschaft Hibernia A. G.	2,187,120	B. M. W. Flugmotorenwerke Brandenburg.	2,252,693	Askania-Werker A. G.
1,876,969	Adrema Maschinenbauges m. b. H.	2,187,331	Auto Union A. G.	2,252,866	Bayerische Motoren Werke Aktiengesellschaft.
1,876,970	Adrema Maschinenbauges m. b. H.	2,187,446	Bayerische Stickstoff Werke A. G.	2,254,074	Argus Motoren G. m. b. H.
1,879,279	Auja Industrie Komm Ges Werner Kornfeld.	2,187,921	Auto Union A. G.	2,256,719	Bleichert Transportanlagen G. m. b. H.
1,891,712	Auja Industrie Komm Ges Werner Kornfeld.	2,187,996	Barmer Maschinenfabrik A. G.	2,256,858	Barmer Maschinenfabrik A. G.
1,895,628	Auschutz & Co., G. m. b. H.	2,189,115	Adrema Maschinenbauges m. b. H.	2,257,416	Bochumer Verein für Gustahlfabrikation A. G.
1,906,719	Auschutz & Co., G. m. b. H.	2,189,500	Askania-Werker A. G.	2,258,397	Bayerische Motoren Werke Aktiengesellschaft.
1,911,922	Bergwerkgesellschaft Hibernia A. G.	2,190,011	Auto Union A. G.	2,259,589	Bayerische Motoren Werke Aktiengesellschaft.
1,913,890	Adrema Maschinenbauges m. b. H.	2,190,506	Askania-Werker A. G.	2,259,870	Billeter & Klunz.
1,920,594	Askania-Werker A. G.	2,190,617	Askania-Werker A. G.	2,263,034	Bayerische Motoren Werke Aktiengesellschaft.
1,922,976	Auschutz & Co., G. m. b. H.	2,191,239	Arado Flugzeugwerker G. m. b. H.	2,263,073	Bayerische Motoren Werke Aktiengesellschaft.
1,923,212	Bergwerkgesellschaft Hibernia A. G.	2,193,301	Aschaffenburg Zellstoffwerke A. G.	2,263,279	Berlin-Suhler Waffen- und Farbzugwerke, G. m. b. H.
1,923,442	Adrema Maschinenbauges m. b. H.	2,193,707	Askania-Werker A. G.	2,263,687	Askania-Werker A. G.
1,923,897	Bergwerkgesellschaft Hibernia A. G.	2,194,374	Askania-Werker A. G.	2,263,703	Aktiengesellschaft Kuhnle.
1,924,688	Auschutz & Co., G. m. b. H.	2,195,351	Askania-Werker A. G.	2,266,444	Bayerische Motoren Werke Aktiengesellschaft.
1,926,251	Auschutz & Co., G. m. b. H.	2,196,358	Askania-Werker A. G.	2,267,263	Argus Motoren G. m. b. H.
1,930,395	Auschutz & Co., G. m. b. H.	2,197,950	Auto Union A. G.	2,268,612	Askania-Werker A. G.
1,933,734	Bergwerkgesellschaft Hibernia A. G.	2,198,023	Auschutz & Co., G. m. b. H.	2,268,694	Bauer & Schaurte.
1,945,643	Adrema Maschinenbauges m. b. H.	2,198,946	Agricultural and Chemical Works Public Co.	2,269,072	Askania-Werker A. G.
1,945,644	Adrema Maschinenbauges m. b. H.	2,199,294	Auschutz & Co., G. m. b. H.	2,269,699	Askania-Werker A. G.
1,952,551	Adrema Maschinenbauges m. b. H.	2,199,896	Auto Union A. G.	2,270,903	Bamag-Meguín A. G.
1,952,552	Adrema Maschinenbauges m. b. H.	2,200,196	Askania-Werker A. G.	2,272,626	Bayerische Motoren Werke Aktiengesellschaft.
1,962,749	Auschutz & Co., G. m. b. H.	2,202,430	Arado Flugzeugwerker G. m. b. H.	2,276,312	Arado Flugzeugwerker G. m. b. H.
1,968,153	Adrema Maschinenbauges m. b. H.	2,202,436	Auto Union A. G.	2,278,201	Bayerische Motoren Werke Aktiengesellschaft.
1,981,827	Auschutz & Co., G. m. b. H.	2,202,215	Baumann H. F., The firm of	2,279,612	Arado Flugzeugwerker G. m. b. H.
1,988,904	Adrema Maschinenbauges m. b. H.	2,204,385	Aluminiumwerke Göttingen G. m. b. H.	[F. R. Doc. 42-5049; Filed, May 30, 1942; 10:14 a. m.]	
1,992,869	Adrema Maschinenbauges m. b. H.	2,204,460	Askania-Werker A. G.	<b>TITLE 14—CIVIL AVIATION</b>	
1,992,870	Adrema Maschinenbauges m. b. H.	2,207,453	Arado Flugzeugwerker G. m. b. H.		
1,993,848	Adrema Maschinenbauges m. b. H.	2,207,574	Barmer Maschinenfabrik A. G.	<b>Chapter I—Civil Aeronautics Board</b>	
2,007,720	Adrema Maschinenbauges m. b. H.	2,208,910	Bauer & Schaurte.	[Regulations, Serial Number 224]	
2,008,358	Adrema Maschinenbauges m. b. H.	2,211,518	Alexanderwerk a Von Der Nahmer A. G.	<b>PART 202—ACCOUNTS, RECORDS AND REPORTS</b>	
2,047,922	Auschutz & Co., G. m. b. H.	2,212,443	Adrema Maschinenbauges m. b. H.	<b>REPORTS OF CHANGE IN AIRCRAFT OWNERSHIP OR USE BY AIR CARRIERS</b>	
2,049,758	Bohme Fettschemic G. m. b. H.	2,214,710	Askania-Werker A. G.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,050,947	Bohme Fettschemic G. m. b. H.	2,215,086	Bayerische Motoren Werke Aktiengesellschaft.		
2,061,468	Bohme Fettschemic G. m. b. H.	2,215,148	Bauer & Schaurte.	The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:	
2,080,968	Adrema Maschinenbauges m. b. H.	2,217,564	Askania-Werker A. G.		
2,091,761	Adrema Maschinenbauges m. b. H.	2,217,633	Askania-Werker A. G.	§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,114,927	Adrema Maschinenbauges m. b. H.	2,218,425	Askania-Werker A. G.		
2,122,957	B. R. A. S. A.	2,218,434	Askania-Werker A. G.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,128,682	Askania-Werker A. G.	2,219,282	Bauer & Schaurte.		
2,129,586	Askania-Werker A. G.	2,219,708	Bauer & Schaurte.	The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:	
2,133,201	Adrema Maschinenbauges m. b. H.	2,220,651	Askania-Werker A. G.		
2,140,191	Askania-Werker A. G.	2,222,458	Askania-Werker A. G.	§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,141,028	Aktiengesellschaft vorm Seidel & Naumann.	2,222,915	Arado Flugzeugwerker G. m. b. H.		
2,142,741	Askania-Werker A. G.	2,223,187	Bayerische Motoren Werke Aktiengesellschaft.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,143,986	Bohme Fettschemic G. m. b. H.	2,223,708	Arado Flugzeugwerker G. m. b. H.		
2,149,217	Askania-Werker A. G.	2,224,064	Askania-Werker A. G.	The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:	
2,150,113	Askania-Werker A. G.	2,224,516	Auergesellschaft A. G.		
2,150,904	Askania-Werker A. G.	2,225,518	Askania-Werker A. G.	§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,153,571	Atlas Werke A. G.	2,226,545	Askania-Werker A. G.		
2,155,456	Askania-Werker A. G.	2,228,239	Bayerische Motoren Werke Aktiengesellschaft.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,155,892	Askania-Werker A. G.	2,230,637	Admos Blerbronz, Dr.		
2,157,094	Auschutz & Co., G. m. b. H.	2,232,348	Sprngorum & Co. Korm. Ges.	The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:	
2,157,462	Alexanderwerk a Von Der Nahmer A. G.	2,235,422	Barnhardt, F. A.		
2,158,737	Askania-Werker A. G.	2,237,833	Bayerische Motoren Werke Aktiengesellschaft.	§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,161,416	Askania-Werker A. G.	2,238,670	Aeropiani Caproni Societa Anonima.		
2,161,712	Adrema Maschinenbauges m. b. H.	2,239,676	Compagnia Commerciale Caproni.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,164,169	Aktiengesellschaft vorm Seidel & Naumann.	2,240,750	Berlin-Suhler Waffen- und Farbzugwerke.		
2,166,147	Askania-Werker A. G.	2,240,876	Askania-Werker A. G.	The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:	
2,166,148	Askania-Werker A. G.	2,240,892	Arado Flugzeugwerker G. m. b. H.		
2,166,162	Atlas Werke A. G.	2,242,381	Arado Flugzeugwerker G. m. b. H.	§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,166,302	Anna-Sofia Grafín Resseguier	2,244,669	Auker-Werke A. G.		
2,166,880	Auto Union A. G.	2,245,562	Askania-Werker A. G.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,166,920	Askania-Werker A. G.	2,246,887	Askania-Werker A. G.		
2,169,788	Auto Union A. G.	2,247,094	Bayerische Motoren Werke Aktiengesellschaft.	§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,169,982	Askania-Werker A. G.	2,247,295	Askania-Werker A. G.		
2,170,003	Arado Flugzeugwerker G. m. b. H.	2,247,301	Askania-Werker A. G.	At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,170,027	Automatic Druckmaschinenfabrik Dr. W. Hinniger.				
2,171,390	Auschutz & Co., G. m. b. H.			The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:	
2,172,315	Askania-Werker A. G.				
2,175,143	Askania-Werker A. G.			§ 202.5 <i>Reports of change in aircraft ownership or use by air carriers—(a) Reports on each change.</i> Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall execute and file with the Board reports on CAB Form 1029, entitled "Change in Aircraft Ownership, Lease,	
2,176,804	Askania-Werker A. G.				
2,176,807	Askania-Werker A. G.			At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of May 1942.	
2,177,020	"Aeropiani" Caproni Societa Anonima.				



or Use Status", showing all changes occurring after April 30, 1942, in the ownership, lease, or use status of aircraft owned by, leased to, or operated by, it. Each change shall be reported as soon as it occurs, is contracted, or is proposed, whichever is first known to the reporting air carrier: *Provided*, That changes occurring, contracted, or proposed between April 30, 1942, and the effective date hereof may be filed within ten days after such effective date. "Proposed changes" includes only changes in use specifically ordered or authorized by the military authorities of the United States. In the event a reported contract (or proposed change) is not carried to completion, that fact should be reported to the Board; but an actual transfer made in accordance with a reported contract (or reported proposed change) need not be reported a second time if all conditions remain as first reported.

(b) *Monthly summary reports.* Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States shall also execute and file with the Board, in duplicate, monthly reports on CAB Form 1030, entitled "Use Status of All Aircraft Owned or Operated During Month", summarizing the aforesaid changes actually made in the ownership, lease, or use status of aircraft for the reported month. The report for May 1942 shall be filed within ten days after the effective date hereof, and the reports for all subsequent months shall be filed on or before the tenth day of the month following that for which the report is made.

(c) *Adoption of forms; filing.* CAB Forms 1029 and 1030 and the instructions and other matter contained therein, and such amendments thereto as may hereafter be approved by the Board, are hereby adopted by the Board for the purpose of reporting the aforesaid changes. All reports made hereunder shall be sent to the Secretary of the Board.

(d) *Effective date.* This regulation shall become effective five days after the date hereof.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-5097; Filed, June 1, 1942;  
9:11:15 a. m.]

[Amendment 22-5 Civil Air Regulations]

#### PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

##### PHYSICAL REQUIREMENTS FOR LIGHTER-THAN-AIR PILOT CERTIFICATES

###### Corrections

The section number of § 22.114 appearing under paragraph 2 on page 3924 of the issue for Wednesday, May 27, 1942, is erroneously given as "§ 22.104". The paragraph designation "(c)" under paragraph 6 should read "(e)".

#### Chapter II—Administrator of Civil Aeronautics, Department of Commerce

##### PART 525—NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES NEAR AIRWAYS

[Amendment 1, Part 525]

##### NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES NEAR AIRWAYS

MAY 27, 1942.

Acting pursuant to the authority vested in me by sections 308 and 1101 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 525 of the Regulations of the Administrator of Civil Aeronautics which became effective November 1, 1941, as follows:

1. By amending § 525.1<sup>1</sup> to read as follows:

§ 525.1 *Notice required.* Any person who engages in the construction or alteration of any structure along or within 20 miles of a civil airway, in other than congested parts of cities, towns, or settlements, shall give notice thereof to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration, greater than 150 feet above ground level or above mean water level where the structure is, or will be, situated in or over navigable water. Like notice shall also be given to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration, greater than 5 feet above ground level, or above the mean water level where the structure is or will be situated in or over navigable water, for each 500 feet, or fraction thereof, of the distance that the structure is, or will be, situated from the nearest boundary of a landing area.

This amendment shall become effective June 1, 1942.

C. I. STANTON,  
Acting Administrator.

[F. R. Doc. 42-5048; Filed, May 30, 1942;  
9:51 a. m.]

##### PART 600—DESIGNATION OF CIVIL AIRWAYS

[Amendment 4, Part 600]

##### DESIGNATION OF RED CIVIL AIRWAY NO. 21

MAY 28, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 600.10220,<sup>2</sup> Red civil airway No. 21 (Cleveland, Ohio, to Woodward, Pennsylvania) to read as follows:

§ 600.10220 *Red civil airway No. 21 (Cleveland, Ohio, to Woodward, Pa.).* From the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and

the northwest leg of the Akron, Ohio, radio range, via the Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Cove Valley, Pa., radio range; to the Woodward, Pa., radio marker station.

This amendment will become effective June 15, 1942.

C. I. STANTON,  
Acting Administrator.

[F. R. Doc. 42-5047; Filed, May 30, 1942;  
9:51 a. m.]

#### TITLE 26—INTERNAL REVENUE

##### Chapter III—U. S. Board of Tax Appeals

##### PART 701—RULES OF PRACTICE<sup>1</sup>

###### RULES OF PRACTICE AMENDED

Section 701.1 (Rule 1) is amended to read as follows:

§ 701.1 *Business hours.* The office of the Clerk of the Board at Washington, D. C., shall be open during business hours on all days, except Sundays and legal holidays, for the purpose of receiving petitions, pleadings, motions, and the like. Ordinarily "business hours" are from 9 o'clock a. m. to 4:30 o'clock p. m., except on Saturdays, when "business hours" are from 9 o'clock a. m. to 1 o'clock p. m. During a period of national emergency business hours are subject to extension, as indicated by order on file in the Clerk's office.

The fifth paragraph of § 701.2 (Rule 2) is amended to read as follows:

§ 701.2 *Admission to practice.* \* \* \*

An applicant for admission must file his application with the Board on the application blank provided. Application blanks will be furnished upon request to the Secretary of the Board, and only applications on the Board's blanks will be considered. Only an original shall be filed. The application shall be supported by a current certificate of the clerk of the court (see paragraph (a) of this section), in which the applicant is admitted to practice, to the effect that he has been so admitted and is in good standing; or a current certificate by the proper State, Territorial, or District authority to the effect that the applicant is a certified public accountant in good standing, duly qualified and entitled to practice in such State or Territory or the District of Columbia.

The third paragraph of § 701.4 (Rule 4) is amended to read as follows:

§ 701.4 *Form and style of papers.* \* \* \*

The proper caption shall be placed upon all papers filed. If the petitioner is an individual, the full given name and surname shall be set forth in the caption without any prefix or title, such as "Mr.," "Mrs.," "Miss," "Dr.," etc. If the

<sup>1</sup> 6 F.R. 4930.

<sup>2</sup> 7 F.R. 1417.

<sup>1</sup> 2 F.R. 2950; 6 F.R. 1683.



petitioner is a fiduciary, the name of the estate, trust, or other person for whom he acts, shall be given first, followed by the name of the fiduciary. (See §§ 701.5 and 701.6 (a), and Appendix 1, Form No. 2.)

Paragraph (h) of § 701.6 (Rule 6) is amended as follows:

§ 701.6 *Initiation of a proceeding; petition.*

(h) \* \* \* [in the petition]: and *Provided further*, That where, during the time of war, the petitioner is a member of the armed forces of the United States or its allies, or is absent from the United States pursuant to his duties as an employee of the United States or any agency or instrumentality thereof, the petition may be verified by a designated agent or counsel employed by or on behalf of petitioner to institute the proceedings if accompanied by the affidavit of such agent or counsel showing the membership in the armed forces or absence from the United States of petitioner and the authority of such agent or counsel as above mentioned. As used herein the term "United States" includes only the States and the District of Columbia. A notary public is not authorized to administer oaths, etc., in matters in which he is employed as counsel. (See title 4, ch. 2, D. C. Code, and 26 Op. A.G. 236.)

A third paragraph of § 701.7 (Rule 7) is added to read as follows:

§ 701.7 *Filing of petition.* \* \* \*

No telegram, cable, radio, or similar message will be recognized as a petition on and after July 1, 1942.

Section 701.9 (Rule 9)<sup>2</sup> is amended as follows:

§ 701.9 *Filing.* Any document to be filed with the Board, must be filed in the office of the clerk of the Board in Washington, D. C., during business hours (see § 701.1): *Provided*, That a Division hearing a proceeding may permit documents pertaining thereto to be filed at the hearing.

The second paragraph of § 701.19 (Rule 19) is amended to read as follows:

§ 701.19 *Motions.* \* \* \*

No motion for rehearing, further hearing, or reconsideration may, except by special leave, be filed more than 30 days after the opinion has been served; and no motion to vacate or revise a decision may, except by special leave, be filed more than 30 days after the decision has been entered. No motion covered by this paragraph shall be joined to or made a part of any other motion.

Paragraph one of § 701.24 (Rule 24) is amended to read as follows:

§ 701.24 *Substitution or withdrawal of counsel; notice of appearance.* Counsel of record in any proceeding desiring to withdraw must file a motion with the Board requesting leave therefor and must show in said motion that notice of his

desire to withdraw has been given to the client. \* \* \*

Paragraph two, line nine of § 701.61 (Rule 61), is amended as follows:

§ 701.61 *Computation of time; Sundays and holidays.* \* \* \*

Thanksgiving Day, fourth Thursday of November, Joint Resolution approved December 26, 1941 (Public Law 379, 77th Cong.).

Effective as of June 1, 1942.

(Sec. 1111, Internal Revenue Code of 1939)

By the Board.

[SEAL]

J. E. MURDOCK,  
Chairman.

MAY 29, 1942.

[F. R. Doc. 42-5072; Filed, May 30, 1942; 10:37 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter II—Geological Survey

#### PART 221—OIL AND GAS OPERATING REGULATIONS

REGULATIONS APPLICABLE TO LANDS OF THE UNITED STATES AND ALL RESTRICTED TRIBAL AND ALLOTTED INDIAN LANDS (EXCEPT OSAGE INDIAN RESERVATION)

Effective June 1, 1942

Sec.

- 221.1 Introduction.
- 221.2 Definitions.

#### JURISDICTION AND FUNCTIONS OF SUPERVISOR

- 221.3 Jurisdiction.
- 221.4 General functions.
- 221.5 Supervision of operations.
- 221.6 Reports and recommendations.
- 221.7 Reports and notices.
- 221.8 Required samples, tests, and surveys.
- 221.9 Damage to mineral deposits, directional drilling, lease obligations, well abandonment.
- 221.10 Well potentials and permissible flow.
- 221.11 Well-spacing and well-casing, technical assistance to lessees.
- 221.12 Production records; rentals, royalties, and payments; drainage and waste.
- 221.13 Division orders, run tickets, sales agreements or contracts.
- 221.14 Suspension of operations and production.
- 221.15 Beginning or resumption of drilling or producing operations.
- 221.16 Enforcement.
- 221.17 Appeals action.

#### REQUIREMENTS FOR ALL LESSEES (INCLUDING DESIGNATED OPERATORS)

- 221.18 Lease terms, regulations, instructions of supervisor, waste, damage, safety, and bond.
- 221.19 Designated operator (or agent).
- 221.20 Well location restrictions.
- 221.21 Well-spacing and well-casing program, well operations, required offsets, diligence, compensation in lieu of drilling.
- 221.22 Well designations, property boundaries, markers for abandoned wells.
- 221.23 Well records and reports, plats and maps, samples, tests, and surveys.
- 221.24 Precautions necessary in areas where high pressures are likely to exist.
- 221.25 Cable tool drilling precautions.
- 221.26 Rotary tool drilling precautions.

Sec.

- 221.27 Vertical drilling.
- 221.28 Water shut-offs, formation tests.
- 221.29 Protection of upper productive strata.
- 221.30 Open flows and control of "wild" wells.
- 221.31 Emulsion and dehydration.
- 221.32 Pollution and surface damage.
- 221.33 Gaging and storing oil.
- 221.34 Well abandonment.
- 221.35 Waste prevention, beneficial use.
- 221.36 Accidents and fires.
- 221.37 Workmanlike operations.
- 221.38 Sales contracts, division orders.
- 221.39 Relief from operating, royalty, and rental requirements.
- 221.40 Royalty and rental payments.
- 221.41 Surface rights on Indian lands.
- 221.42 Costs or damages.

#### MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

- 221.43 Measurement of oil.
- 221.44 Measurement of gas.
- 221.45 Determination of gasoline content of natural gas.
- 221.46 Quantity basis for computing royalties on natural gasoline, butane, propane, and other liquid hydrocarbon substances extracted from gas.
- 221.47 Value basis for computing royalties.
- 221.48 Royalty rates on oil, flat-rate leases.
- 221.49 Royalty rates on oil, sliding- and step-scale leases (public land only).
- 221.50 Royalty on gas.
- 221.51 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas.
- 221.52 Royalty on drip gasoline or other natural condensate.

#### PROCEDURE IN CASE OF DEFAULT BY LESSEE

- 221.53 Shutting-down operations, lease cancellations.
- 221.54 Liquidated damages.
- 221.55 Payment of damages.
- 221.56 Damages to Indian property.

#### REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

- 221.57 General requirements.
- 221.58 Sundry notices and reports on wells (Form 9-331A Public; Form 9-331B Indian).
- 221.59 Log and history of well (Form 9-330).
- 221.60 Monthly report of operations (Form 9-329 Public; Form 9-329A Indian).
- 221.61 Daily report of gas-producing wells (Form 9-352).
- 221.62 Statement of oil and gas runs and royalties (Form 9-361 Public; Form 9-361A Indian).
- 221.63 Royalty and rental remittance (Form 9-614A Indian).
- 221.64 Royalty and rental remittance (Form 11ND Naval Petroleum Reserves).
- 221.65 Special forms or reports.
- 221.66 Appeals.
- 221.67 Effective date of these oil and gas operating regulations, repeal of prior regulations.

AUTHORITY: §§ 221.1 to 221.67, inclusive, issued under the following statutes:

Public Lands: Sec. 32, 41 Stat. 450, sec. 7, 42 Stat. 1450, sec. 6, 46 Stat. 374, 46 Stat. 1523, 47 Stat. 798, sec. 40 (a), 48 Stat. 977, 49 Stat. 674, 50 Stat. 842; 30 U.S.C., 189, 236, 306, 184, 226, 209, 229a, 30 U.S.C. Sup., 185, 221, 223, 223a 226, 236a, 221i.

Naval Petroleum Reserves: 41 Stat. 813, 45 Stat. 148, 52 Stat. 1252; 34 U.S.C., Sup., 524.

Indian Lands: Sec. 3, 26 Stat. 795, sec. 2, 35 Stat. 312, 35 Stat. 783, sec. 2, 39 Stat. 519, sec. 18, 41 Stat. 426, sec. 6, 41 Stat. 753, 42 Stat. 857, 43 Stat. 111, 43 Stat. 244, 44 Stat. 300, sec. 6, 44 Stat. 659, 46 Stat. 385, 52 Stat. 347,

<sup>2</sup> 4 F.R. 471.



25 U.S.C., 397, 396, 356, 400, 401, 398 400a, 25 U.S.C., Sup. 396a, b, c, d, e, f.

§ 221.1 *Introduction.* The regulations in this part will govern the development and production of deposits of oil, gas, and casing-head or natural gasoline, including propane, butane, and other hydrocarbons, and fluids, and lands containing such deposits owned or controlled by the United States, and under jurisdiction of the Secretary by law or administrative arrangement. The regulations in this part shall be administered under the Director of the Geological Survey, except that as to lands within naval petroleum reserves they shall be administered under such official as the Secretary of the Navy shall designate.

§ 221.2 *Definitions.* The following terms as used in the regulations in this part shall have the meanings here given:

(a) *Secretary.* The Secretary of the Interior, except where lands in naval petroleum reserves are involved, and in that case the Secretary of the Navy.

(b) *Director.* The Director of the Geological Survey, Washington, D. C., having administrative direction of the enforcement of the regulations in this part.

(c) *Supervisor.* A representative of the Secretary, under administrative direction of the Director, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

(d) *Officer in charge.* The supervisor or such other officer as the Secretary may designate to supervise technical operations for the development and production of oil and gas on restricted Indian lands. Over such lands the officer so designated shall exercise the authority and power and perform the duties of supervisor as provided in the regulations in this part.

(e) *Superintendent.* The superintendent of an Indian agency, or other officer authorized to act in matters of record, law, and collections with respect to oil or gas leases for restricted Indian lands.

(f) *Lease.* An agreement which in consideration of covenants to be observed, grants to a lessee the exclusive right and privilege of developing and producing oil or gas deposits owned by the lessor subject to the regulations in this part.

(g) *Leased lands, leasehold.* Lands and deposits covered by a lease as defined in paragraph (f) of this section.

(h) *Producing lease.* A producing lease is one including land on which there is a producible well, either active or shut in, or land determined by the supervisor to be subject to subsurface drainage.

(i) *Lessor.* The party to a lease who holds title to the leased lands.

(j) *Lessee.* The party authorized by a lease, or approved assignment thereof, to develop and produce oil or gas on the leased lands in accordance with the regulations in this part, including all parties holding such authority by or through him.

(k) *Register.* A representative of the General Land Office in charge of a District Land Office.

(l) *Operator.* The individual, partnership, firm, or corporation that has control or management of operations on the leased land or a portion thereof. The operator may be a lessee, designated agent of the lessee, or holder of rights under an approved operating agreement.

(m) *Designated operator or agent.* The local representative of the lessee or of the operator; may be the holder of operating rights under an approved operating agreement.

(n) *Waste of oil or gas.* Waste of oil or gas, in addition to its ordinary meaning, shall mean the physical waste of oil or gas, and waste, loss, or dissipation of reservoir energy existent in any deposit containing oil or gas and necessary or useful in obtaining the maximum recovery from such deposit.

(1) Physical waste of oil or gas shall be deemed to include the loss or destruction of oil or gas after recovery thereof such as to prevent proper utilization and beneficial use thereof, and the loss of oil or gas prior to recovery thereof by isolation or entrapment, by migration, by premature release of natural gas from solution in oil, or in any other manner such as to render impracticable the recovery of such oil or gas.

(2) Waste of reservoir energy shall be deemed to include the failure reasonably to maintain such energy by artificial means and also the dissipation of gas energy, hydrostatic energy, or other natural reservoir energy, at any time at a rate or in a manner which would constitute improvident use of the energy available or result in loss thereof without reasonably adequate recovery of oil.

(o) *Gas.* Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions.

(p) *Oil, crude oil.* Any liquid hydrocarbon substance which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas, without resort to manufacturing process.

#### JURISDICTION AND FUNCTIONS OF SUPERVISOR

§ 221.3 *Jurisdiction.* Drilling and producing operations, handling and gaging of oil and the measurement of gas or other products, determination of royalty liability, receipt and delivery to those entitled thereto of royalty accruing to the lessor and paid in amount of production, determination of amount and manner of payment of damages assessed under authority of the regulations in this part for defaults or noncompliance with duties by the lessee and, in general, all operations subject to the regulations in this part are under the jurisdiction of the supervisor for any district as delineated by the Director. As to producing leases of Indian lands, the officer in charge, and as to lands within naval petroleum reserves, the supervisor shall determine rental liability, record rentals, royalties, and other payments, and maintain lease accounts. Upon request, the supervisor or the Director, will advise any person concerning the regulations in this part,

and will furnish technical information and advice relative to oil and gas development and operation on lands subject hereto.

§ 221.4 *General functions.* The supervisor is hereby authorized to require compliance with lease terms, with the regulations in this part, and all other applicable regulations, and with applicable law to the end that all operations shall conform to the best practice and shall be conducted in such manner as to protect the deposits of the leased lands and result in the maximum ultimate recovery of oil, gas, or other products with minimum waste. Inasmuch as conditions in one area may vary widely from conditions in another area, the regulations in this part are general, and detailed procedure hereunder in any particular area is subject to the judgment and discretion of the supervisor, and to any areal plan of development that may be adopted pursuant to law. The supervisor may require satisfactory evidence that a lease is in good standing, that the lessee or operator is authorized to conduct operations, and that an acceptable bond has been filed before permitting operations on the leased land.

§ 221.5 *Supervision of operations.* The supervisor shall inspect and supervise operations under the regulations in this part; prevent waste, damage to formations or deposits containing oil, gas, or water or to coal measures or other mineral deposits, and injury to life or property; and shall issue instructions necessary, in his judgment, to accomplish these purposes.

§ 221.6 *Reports and recommendations.* The supervisor shall make reports to his superior administrative officer as to the general condition of leased lands, and the manner in which operations are being conducted and departmental orders are being obeyed, and submit from time to time information and recommendations for safeguarding and protecting surface property and underlying mineral-bearing formations.

§ 221.7 *Reports and notices.* The supervisor shall prescribe the manner and form in which records of all operations, reports, and notices shall be made by lessees and operators.

§ 221.8 *Required samples, tests, and surveys.* When deemed necessary or advisable, the supervisor is authorized to require that adequate samples be taken and tests or surveys be made in acceptable manner without cost to the lessor to determine the identity and character of formations; the presence or waste of oil, gas, water, or reservoir energy; the quantity and quality of oil, gas, or water; the amount and direction of deviation of any well from the vertical; formation, casing, tubing, or other pressures; and whether operations are being conducted with due regard to the interests of the lessor.

§ 221.9 *Damage to mineral deposits, directional drilling, lease obligations, well abandonment.* The supervisor shall require correction, in a manner to be prescribed or approved by him, of any condition which is causing or is likely to cause damage to any formation containing oil, gas, or water or to coal measures or other mineral deposits, or which is dangerous



to life or property or wasteful of oil, gas, or water; require substantially vertical drilling when necessary to protect interests in other properties; demand drilling in accordance with the terms of the lease or of the regulations in this part; and require plugging and abandonment of any well or wells no longer used or useful in accordance with such plan as may be approved or prescribed by him, and, upon failure to secure compliance with such requirement, perform the work at the expense of the lessee, expending available public funds, and submit such report as may be needed to furnish a basis for appropriate action to obtain reimbursement.

§ 221.10 *Well potentials and permissible flow.* The supervisor is authorized to fix the percentage of the potential capacity of any oil or gas well that may be utilized or the permissible production of any such well when, in his opinion, such action is necessary to protect the interests of the lessor, or to conform with proration rules established for the field; and to specify the time and method for determining the potential capacity of such wells.

§ 221.11 *Well-spacing and well-casing, technical assistance to lessees.* The supervisor shall approve well-spacing and well-casing programs determined to be necessary for the proper development of the leases and assist and advise lessees in the planning and conduct of tests and experiments for the purpose of increasing the efficiency of operations.

§ 221.12 *Production records; rentals, royalties, and payments; drainage and waste.* The supervisor shall compile and maintain records of production and prices and determine royalties accrued, estimate drainage and compute losses to the lessor resulting therefrom, and estimate the amount and value of oil, gas, and other products wasted. The supervisor shall render monthly to the lessee, or his agent, statements showing the amount of oil, gas, casing-head or natural gasoline, propane, butane, or other hydrocarbons produced or sold and the amount or value of production accruing to the lessor as royalty from each lease; the loss by drainage or waste and the compensation due to the lessor as reimbursement; and, except as to any disposal of gas that shall have been determined by the Secretary of the Interior to be sanctioned by the laws of the United States and of the State in which it occurs, the amount and full value, computed at a price of not less than 5 cents per 1,000 cubic feet, of all gas wasted by blowing, release, escape into the air, or otherwise. Also, as to producing leases of Indian lands and lands within naval petroleum reserves, the supervisor shall determine rental liability, record rental, royalty, and other payments, and maintain lease accounts.

§ 221.13 *Division orders, run tickets, sales agreements or contracts.* The supervisor is authorized to approve, subject to such conditions as he shall prescribe, division orders or temporary purchase agreements granting to transportation agencies or purchasers authority to receive products from leased lands in

accordance with Government rules and regulations; sign run tickets or other receipts for royalty oil or gas delivered to a representative of the lessor or to the lessor's account; and approve sales agreements and contracts, subject to any conditions, modification, or revocation that may be prescribed on review thereof by the Secretary.

§ 221.14 *Suspension of operations and production.* On receipt of an application for suspension of operations or production or for relief from any drilling or producing requirement under a lease, the supervisor shall forward such application, with a report and recommendation, to the appropriate official and, pending action thereon, grant such temporary approval as he may deem warranted in the premises, or reject such application, subject to the right of appeal as provided in § 221.66, *infra*.

§ 221.15 *Beginning or resumption of drilling or producing operations.* Where drilling or producing operations have been suspended on a lease, the supervisor may approve in writing notice by the lessee of intention to begin or resume such operations: *Provided*, That whenever it appears from facts adduced by or furnished to him that the interests of the lessor require additional drilling or producing operations, the supervisor may require by notice in writing the beginning or resumption of such operations.

§ 221.16 *Enforcement.* The supervisor shall enforce the regulations in this part, and his orders issued pursuant thereto by action provided for in §§ 221.53 and 221.54, *infra*, whenever, in his judgment, such action is necessary or advisable.

§ 221.17 *Appeals action.* The supervisor shall receive and promptly render his decision on any matter presented for reconsideration pursuant to § 221.66, *infra*, and shall receive and promptly transmit for review all appeals pursuant to said § 221.66, together with his report in the premises.

#### REQUIREMENTS FOR ALL LESSEES (INCLUDING DESIGNATED OPERATORS)

§ 221.18 *Lease terms, regulations; instructions of supervisor, waste, damage, safety, and bond.* The lessee shall comply with the terms of the lease, and of the regulations in this part and any amendments thereof, and with the written instructions of the supervisor, shall take all reasonable precautions to prevent waste, damage to formations or deposits containing oil, gas, or water or to coal measures or other mineral deposits, and injury to life or property, and before drilling or other operations are started, shall have submitted a satisfactory bond.

§ 221.19 *Designated operator (or agent).* In all cases where operations on a lease are not conducted by the record owner, but are to be conducted under authority of an operating agreement, an unapproved assignment, or other arrangement, a "designation of operator" shall be submitted to the supervisor, in a manner and form approved by the supervisor, prior to commencement of

operations. If the designation of operator form cannot be obtained from the lessee without undue inconvenience to the operator, the supervisor in his discretion may accept in lieu thereof a valid operating agreement approved by the Secretary. A designation of operator will be accepted as authority of operator or his local representative to fulfill the obligations of the lessee and to sign, as operator, any papers or reports required under the regulations in this part. It will rest in the discretion of the supervisor to determine how a local representative of the operator empowered to act in whole or in part in his stead shall be identified.

If the designated operator shall at any time be incapacitated for duty or absent from his designated address, the operator or the lessee shall designate in writing a substitute to serve in his stead, and, in the absence of such operator or of notice of the appointment of a substitute, any employee of the lessee who is on the leased lands or the contractor or other person in charge of operations will be considered the agent of the lessee for the service of orders or notices and service in person or by ordinary mail upon any such employee, contractor, or other person will be deemed service upon the operator and the lessee. All changes of address and any termination of the operator's authority shall be immediately reported, in writing, to the supervisor or his representative. In case of such termination or of controversy between the lessee and the designated operator, the operator, if in possession of the leasehold will be required to protect the interests of the lessor.

§ 221.20 *Well-location restrictions.* (a) The lessee shall not drill any well within 200 feet of any of the outer boundaries of the leased lands except where necessary to protect those lands against wells on land the title to which is not held by the lessor, and then only on consent first had in writing from the supervisor: *Provided*, That for good cause shown in any particular case, and where not prohibited by law, a lessee may be relieved of such restrictions on written consent of the supervisor. The lessee shall not drill any well within 200 feet of the boundary of any legal subdivision without first submitting adequate reasons therefor and obtaining consent in writing from the supervisor, such consent to be subject to such conditions as may be prescribed by said official.

(b) Lessees of Indian lands shall not drill any well within 200 feet of any house or barn standing on the leased lands without the lessor's written consent, approved by the officer in charge and the superintendent.

§ 221.21 *Well-spacing and well-casing program, well operations, required offsets, diligence, compensation in lieu of drilling.* When required by the supervisor, the lessee shall submit an acceptable well-spacing and well-casing program for the lease or area. Such program must be approved by the supervisor and may be modified from time to time as conditions warrant, with the consent and approval of the supervisor.



The lessee shall not begin to drill, re-drill, repair, deepen, plug back, shoot, or plug and abandon any well, make water shut-off or formation test, alter the casing or liner, stimulate production by vacuum, acid, gas, air, water injection, or any other method, change the method of recovering production, or use any formation or well for gas storage or water disposal without first notifying the supervisor of his plan and intention and receiving written approval prior to commencing the contemplated work.

The lessee shall drill diligently and produce continually from such wells as are necessary to protect the lessor from loss of royalty by reason of drainage, or, in lieu thereof, with the consent of the supervisor, he must pay a sum estimated to reimburse the lessor for such loss of royalty, the sum to be computed monthly by the supervisor.

The lessee, whenever drilling or producing operations are suspended for 24 hours or more, shall close the mouth of the well with a suitable plug or other fittings acceptable to the supervisor.

§ 221.22 *Well designations, property boundaries, markers for abandoned wells.* The lessee shall mark each and every derrick or well in a conspicuous place with his name or the name of the operator, the serial number of the lease or the name of the lessor if on Indian land, and the number and location of the well, and shall take all necessary means and precautions to preserve these markings. All abandoned wells shall be marked with a permanent monument, on which shall be shown the number and location of the well, unless this requirement is waived in writing by the supervisor. This monument shall consist of a piece of pipe not less than 4 inches in diameter and not less than 10 feet in length, of which 4 feet shall be above the general ground level, the remainder being embedded in cement. The top of the pipe must be closed with a screw cap, cement plug, or by other approved means.

§ 221.23 *Well records and reports, plats and maps, samples, tests, and surveys.* The lessee shall keep on the leased lands or at his headquarters in the field, or otherwise conveniently available to the supervisor, accurate and complete records of the drilling, re-drilling, deepening, repairing, plugging, or abandoning of all wells and of all other well operations, and of all alterations to casing. These records shall show all the formations penetrated, the content and character of oil, gas, or water in each formation, and the kind, weight, size, and landed depth of casing used in drilling each well on the leased lands, and any other information obtained in the course of well operations.

Within 15 days after the completion of any well and within 15 days after the completion of any further operations on it, the lessee shall transmit to the supervisor copies of these records on forms furnished by the supervisor. (For reports to be made by all lessees or their designated operators, see §§ 221.57 to 221.65).

The lessee shall take such samples and make such tests and surveys as may be

required by the supervisor with a view to determining conditions in the well and obtaining information concerning materials (formations) drilled and shall furnish such characteristic samples of each formation or substance, or reports thereon, as may be requested by the supervisor. The lessee shall gage the production of oil, gas, and water from individual wells continuously or at reasonably frequent intervals to the satisfaction of the supervisor.

The lessee shall also submit in duplicate such other reports and records of operations as may be required and in the manner and form prescribed by the supervisor.

Upon request and in the manner and form prescribed by the supervisor the lessee shall furnish a copy of the daily drilling report, a plat showing the location, designation, and status of all wells on the leased lands, together with such other pertinent information as the supervisor may require.

§ 221.24 *Precautions necessary in areas where high pressures are likely to exist.* When drilling in "wildcat" territory, or in any field where high pressures are likely to exist, the lessee shall take all necessary precautions for keeping the well under control at all times and shall provide at the time the well is started the proper high-pressure fittings and equipment; under such conditions the conductor string of casing must be cemented throughout its length, unless other procedure is authorized or prescribed by the supervisor, and all strings of casing must be securely anchored.

§ 221.25 *Cable tool drilling precautions.* When drilling with cable tools, the lessee shall provide at least one properly prepared slush pit, into which must be deposited mud and cuttings from clay or shale free of sand that will be suitable for the mudding of a well. When necessary or required, the lessee shall provide a second pit for sand pumpings and other materials obtained from the well during the process of drilling that are not suitable for mudding.

§ 221.26 *Rotary tool drilling precautions.* When drilling with rotary tools, the lessee shall provide, when required by the supervisor, an auxiliary mud pit or tank of suitable capacity and maintain therein a supply of mud having the proper characteristics for emergency use in case of blowouts or lost circulation.

§ 221.27 *Vertical drilling.* The lessee shall drill substantially vertical wells, material deviation from the vertical being permitted only on written approval of the supervisor and where interests in other properties will not be unfairly affected.

§ 221.28 *Water shut-offs, formation tests.* By approved methods, the lessee shall shut off and exclude all water from any oil- or gas-bearing stratum to the satisfaction of the supervisor, and to determine the effectiveness of such operations, the lessee shall make a casing and a water shut-off test before suspending drilling operations or drilling into the oil or gas sand and completing the well.

The lessee shall test for commercial productivity all formations that give evi-

dence of carrying oil or gas, the test to be made to the satisfaction of and in a manner approved in advance by the supervisor. Unless otherwise specifically approved by the supervisor, formation tests shall be made at the time the formations are penetrated and in the absence of excessive back pressure from a column of water or mud fluid. Records of such tests shall be furnished in duplicate.

§ 221.29 *Protection of upper productive strata.* The lessee shall not deepen an oil or gas well for the purpose of producing oil or gas from a lower stratum until all upper productive strata are protected to the satisfaction of the supervisor.

§ 221.30 *Open flows and control of "wild" wells.* The lessee shall take reasonable precautions to prevent any oil, gas, or water well from blowing open, or "wild", and shall take immediate steps and exercise due diligence to bring under control any such well or burning oil or gas well.

§ 221.31 *Emulsion and dehydration.* The lessee shall complete and maintain his wells in such mechanical condition and operate them in such manner as to prevent, as far as possible, the formation of emulsion, or so-called B. S., and the infiltration of water. If the formation of emulsion, or B. S., or the infiltration of water, cannot be prevented or if all or any part of the product is unmarketable by reason thereof or on account of any impurity or foreign substance, the lessee shall put into marketable condition, if commercially feasible, all products produced from the leased land and pay royalty thereon without recourse to the lessor for deductions on account of costs of treatment or of costs of shipping. To avoid excessive losses from evaporation, oil shall not be heated to temperatures above the minimum required to put the oil into marketable condition. If excessive temperatures are required to break down an emulsion, then other means of dehydration must be utilized. Under such circumstances the supervisor must be consulted, and his approval obtained.

§ 221.32 *Pollution and surface damage.* The lessee shall not pollute streams or damage the surface or pollute the underground water of the leased or other land. If useless liquid products of wells cannot be treated or destroyed or if the volume of such products is too great for disposal by usual methods without damage, the supervisor must be consulted, and the useless liquids disposed of by some method approved by him.

§ 221.33 *Gaging and storing oil.* All production run from leased lands shall be gaged or measured according to methods approved by the supervisor. The lessee shall provide tanks located on the leasehold, unless otherwise approved by the supervisor, suitable for containing and measuring accurately all crude oil produced from the wells and shall furnish to the supervisor at least two acceptable positive copies of 100 percent-capacity tank tables. Meters for measuring oil must be first approved by the supervisor, and tests of their accuracy



shall be made when directed by that official. The lessee shall not, except during an emergency and except by special permission of the supervisor, confirmed in writing, permit oil to be stored or retained in earthen reservoirs or in any other receptacle in which there may be undue waste of oil.

§ 221.34 *Well abandonment.* The lessee shall promptly plug and abandon on condition as a water well any well on the leased land that is not used or useful for the purposes of the lease, but no productive well shall be abandoned until its lack of capacity for further profitable production of oil or gas has been demonstrated to the satisfaction of the supervisor. Before abandoning a well the lessee shall submit to the supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work, together with duplicate copies of the log, if it has not already been submitted. A well may be abandoned only after receipt of written approval by the supervisor, in which the manner and method of abandonment shall be approved or prescribed. Equipment shall be removed and premises at the well-site shall be properly conditioned immediately after plugging operations are completed on any well.

In case the lessee of lands of the United States strikes water while drilling, instead of oil or gas, and the water is of sufficient quantity and suitable quality to be valuable and usable at a reasonable cost, the Secretary may take over the well as provided in section 40 of the Mineral Leasing Act approved June 16, 1934, 48 Stat. 977, 30 U.S.C. 229a. If a satisfactory agreement is reached, the lessee may condition the well for a water well in lieu of plugging and abandonment.

Drilling equipment shall not be removed from any suspended drilling well without first securing the written consent of the supervisor.

§ 221.35 *Waste prevention, beneficial use.* The lessee is obligated to prevent the waste of oil or gas and to avoid physical waste of gas the lessee shall consume it beneficially or market it or return it to the productive formation. If waste of gas occurs the lessee shall pay the lessor the full value of all gas wasted by blowing, release, escape, or otherwise, at a price not less than 5 cents for each 1,000 cubic feet, unless, on application by the lessee, such waste of gas under the particular circumstances involved shall be determined by the Secretary to be sanctioned by the laws of the United States and of the State in which it occurs. The production of oil and gas shall be restricted to such amount as can be put to beneficial use with adequate realization of values, and in order to avoid excessive production of either oil or gas, when required by the Secretary, shall be limited by the market demand for gas or by the market demand for oil.

§ 221.36 *Accidents and fires.* The lessee shall take all reasonable precautions to prevent accidents and fires, shall notify the supervisor within 24 hours of all accidents or fires on the leased land, and shall submit a full report thereon within 15 days.

§ 221.37 *Workmanlike operations.* The lessee shall carry on all operations and maintain the property at all times in a safe and workmanlike manner, having due regard for the preservation and the conservation of the property and for the health and safety of employees. The lessee shall take reasonable steps to prevent and shall remove accumulations of oil or other materials deemed to be fire hazards from the vicinity of well locations and lease tanks, and shall remove from the property or store in orderly manner all scrap or other materials not in use.

§ 221.38 *Sales contracts, division orders.* The lessee shall file with the supervisor triplicate (quadruplicate for production of restricted Indian lands or naval petroleum reserves) executed copies of all contracts for the disposition of all products of the leased land except that portion used for purposes of production on the leased land or unavoidably lost, and he shall not sell or otherwise dispose of said products except in accordance with a sales contract, division order, or other arrangement first approved, as provided in § 221.13, *supra*.

§ 221.39 *Relief from operating, royalty, and rental requirements.* Applications for any modification authorized by law of the operating requirements of a lease for lands of the United States shall be filed in triplicate (quintuplicate for applications involving leases for lands within the naval petroleum reserves) with the supervisor, and shall include a full statement of the circumstances that render such modification necessary or proper. Applications for any modification authorized by law of the royalty or rental requirements of a lease for lands of the United States shall be filed in duplicate in the United States land office of the district in which the land is situated, and report thereon will be made by the supervisor.

§ 221.40 *Royalty and rental payments.* When due in money, the lessee shall tender all payments of rental and royalty by check or draft on a solvent bank, or by money order drawn to the order of the appropriate receiving officer, in accordance with statements rendered by the supervisor pursuant to § 221.12, *supra*, or in the case of public-land leases in accordance with instructions of the General Land Office.

If the lessor elects to take royalty in oil or gas, unless otherwise agreed upon, such royalty shall be delivered on the leasehold, by the lessee to the order of and without cost to the lessor, as instructed by the supervisor. Upon the lessor's request, storage for royalty oil for 30 days after the end of the calendar month in which the royalty accrues, shall be furnished free of charge. Storage shall be provided on the leased lands or at a place mutually agreed upon by the supervisor and the lessee.

§ 221.41 *Surface rights on Indian lands.* Lessees of Indian land shall have only such surface rights as are specifically granted in the lease, but additional rights may be exercised under written agreement with the owner, such agreement to be subject to the prior approval of the

superintendent of the Indian agency having jurisdiction. On demand of the supervisor, pipe lines on Indian land shall be buried below plow depth.

§ 221.42 *Costs or damages.* The lessee shall pay all costs or damages assessed under the provisions of the regulations in this part.

CROSS REFERENCE: For other liabilities of the lessee in case of default see also §§ 221.53 to 221.56, *infra*.

#### MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

§ 221.43 *Measurement of oil.* The volume of production shall be computed in terms of barrels of clean oil of 42 standard United States gallons of 231 cubic inches each, on the basis of meter measurements (meter must be approved by supervisor), or tank measurements of oil-level differences, made and recorded to the nearest quarter inch of 100-percent-capacity tables, or with such greater accuracy as shall be required by the supervisor, and subject to the following corrections.

(a) *Correction for impurities.* The percentage of impurities (water, sand, and other foreign substances not constituting a natural component part of the oil) shall be determined to the satisfaction of the supervisor, and the observed gross volume of oil shall be corrected to exclude the entire volume of such impurities.

(b) *Temperature correction.* The observed volume of oil corrected for impurities shall be further corrected to the standard volume at 60° F. in accordance with table 2 of Circular C-410 of the National Bureau of Standards (March 4, 1936), or any revisions thereof and any supplements thereto, or any close approximation thereof approved by the supervisor.

(c) *Gravity determination.* The gravity of the oil at 60° F. shall be determined in accordance with table 1 of Circular C-410 of the National Bureau of Standards (March 4, 1936), or any revisions thereof and any supplements thereto.

(d) *Lease production, pipe-line runs.* For the convenience of the lessor and lessee, monthly statements of production and royalty shall be based in general on production recorded in pipe-line runs or other shipments. When shipments are infrequent or do not approximate actual production, the supervisor may require statements of production and royalty to be made on such other basis as he may prescribe, gains, or losses in volume of storage being taken into account when appropriate. Evidence of all shipments of oil shall be furnished by pipe-line or other run tickets signed by representatives of the lessee and of the purchaser who have witnessed the measurements reported and the determinations of gravity, temperature, and the percentage of impurities contained in the oil. Signed run tickets shall be filed with the supervisor within 5 days after the oil has been run.

§ 221.44 *Measurement of gas.* Gas of all kinds (except gas used for purposes of production on the leasehold or unavoidably lost) is subject to royalty, and



all gas shall be measured by meter (preferably of the orifice-meter type) unless otherwise agreed to by the supervisor. All gas meters must be approved by the supervisor and installed at the expense of the lessee at such places as may be agreed to by the supervisor. For computing the volume of all gas produced, sold, or subject to royalty, the standard of pressure shall be 10 ounces above an atmospheric pressure of 14.4 pounds to the square inch, regardless of the atmospheric pressure at the point of measurement, and the standard of temperature shall be 60° F. All measurements of gas shall be adjusted by computation to these standards, regardless of the pressure and temperature at which the gas was actually measured, unless otherwise authorized in writing by the supervisor.

§ 221.45 *Determination of gasoline content of natural gas.* Tests to determine the gasoline content of gas delivered to plants manufacturing gasoline are required to check plant efficiency and to obtain an equitable basis for allocating the gasoline output of any plant to the several sources from which the gas treated is derived. The gasoline content of the gas delivered to each gasoline plant treating gas from leased lands shall be determined periodically by field tests, as required by the supervisor, to be made at the place and by the methods approved by him and under his supervision.

§ 221.46 *Quantity basis for computing royalties on natural gasoline, butane, propane, and other liquid hydrocarbon substances extracted from gas.* The primary quantity basis for computing monthly royalties on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas is the monthly net output of the plant at which the substances are manufactured, "net output" being defined as the quantity of each such substance that the plant produces for sale.

(a) If the net output of a plant is derived from the gas obtained from only one leasehold, the quantity of gasoline or other liquid hydrocarbon substances on which computations of royalty for the lease are based is the net output of the plant.

(b) If the net gasoline output of a plant is derived from gas obtained from several leaseholds producing gas of uniform gasoline content, the proportion of net output of gasoline allocable to each lease as a basis for computing royalty will be determined by dividing the amount of gas delivered to the plant from each leasehold by the total amount of gas delivered to the plant from all leaseholds.

(c) If the net gasoline output of a plant is derived from gas obtained from several leaseholds producing gas of diverse gasoline content, the proportion of net output of gasoline allocable to each leasehold as a basis for computing royalty will be determined by multiplying the amount of gas delivered to the plant from the leasehold by the gasoline content of the gas and dividing the arith-

metical product thus obtained by the sum of the similar arithmetical products separately obtained for all leaseholds from which gas is delivered to the plant.

(d) If the net output of butane, propane, or other liquid hydrocarbon substances of a plant is derived from gas obtained from several leaseholds, the proportion of net output of such substances allocable to each leasehold as a basis for computing royalty will be determined by substituting the butane, propane, or other liquid hydrocarbon content for the gasoline content and following the method outlined in paragraphs (b) or (c) of this section, whichever is applicable: *Provided*, That when in the judgment of the supervisor it is impracticable to test gas to determine the content of butane, propane, or other liquid hydrocarbon substances, the gasoline content will be used in determining the proportion of the net output of such substances allocable to each leasehold.

(e) The supervisor is authorized, whenever in his judgment neither method prescribed in paragraphs (b) and (c) of this section is practicable, to estimate the production of natural gasoline, butane, propane, or other liquid hydrocarbon substances from any leasehold from (1) the quantity of gas produced from the leasehold and transmitted to the extraction plant, (2) the gasoline, butane, propane, or other liquid hydrocarbon content of such gas as determined by test, and (3) a factor based on plant efficiency or recovery and so determined as to insure full protection of the royalty interest of the lessor.

§ 221.47 *Value basis for computing royalties.* The value of production, for the purpose of computing royalty shall be the estimated reasonable value of the product as determined by the supervisor, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters. Under no circumstances shall the value of production of any of said substances for the purposes of computing royalty be deemed to be less than the gross proceeds accruing to the lessee from the sale thereof or less than the value computed on such reasonable unit value as shall have been determined by the Secretary. In the absence of good reason to the contrary, value computed on the basis of the highest price per barrel, thousand cubic feet, or gallon paid or offered at the time of production in a fair and open market for the major portion of like-quality oil, gas, or other products produced and sold from the field or area where the leased lands are situated will be considered to be a reasonable value.

§ 221.48 *Royalty rates on oil, flat-rate leases.* The royalty on crude oil shall be the percentage (established by the terms of the lease) of the value or amount of the crude oil produced from the leased lands.

§ 221.49 *Royalty rates on oil, sliding- and step-scale leases (public land only).* Sliding- and step-scale royalties are based on the average daily production

per well. The supervisor shall specify which wells on a leasehold are commercially productive, including in that category all wells, whether produced or not, for which the annual value of permissible production would be greater than the estimated reasonable annual lifting cost, but only wells which yield a commercial volume of production during at least part of the month shall be considered in ascertaining the average daily production per well. The average daily production per well for a lease is computed on the basis of a 28-, 29-, 30-, or 31-day month (as the case may be), the number of wells on the leasehold counted as producing and the gross production from the leasehold. (Tables for computing royalty on the sliding-scale and on the step-scale basis may be obtained upon application to the supervisor). The supervisor will determine which commercially productive wells shall be considered each month as producing wells for the purpose of computing royalty in accordance with the following rules, and in his discretion may count as producing any commercially productive well shut-in for conservation purposes:

(a) For a previously producing leasehold, count as producing for every day of the month each previously producing well that produced 15 days or more during the month, and disregard wells that produced less than 15 days during the month.

(b) Wells approved by the supervisor as input wells shall be counted as producing wells for the entire month if so used 15 days or more during the month and shall be disregarded if so used less than 15 days during the month.

(c) When the initial production of a leasehold is made during the calendar month, compute royalty on the basis of producing well-days.

(d) When a new well is completed for production on a previously producing leasehold and produces for 10 days or more during the calendar month in which it is brought in, count such new wells as producing every day of the month, in arriving at the number of producing well-days. Do not count any new well that produces for less than 10 days during the calendar month.

(e) Consider "head wells" that make their best production by intermittent pumping or flowing as producing every day of the month, provided they are regularly operated in this manner, with approval of the supervisor.

(f) For previously producing leaseholds on which no wells produced for 15 days or more, compute royalty on a basis of actual producing well-days.

(g) For previously producing leaseholds on which no wells were producing during the calendar month but from which oil was shipped, compute royalty at the same royalty percentage as that of the last preceding calendar month in which production and shipments were normal.

(h) Rules for special cases not subject to definition, such as those arising from averaging the production from two distinct sands or horizons when the production of one sand or horizon is relatively



insignificant compared to that of the other, shall be made by the supervisor as need arises.

(i) In the following summary of operations on a typical leasehold for the month of June, the wells considered for the purpose of computing royalty on the entire production of the property for the month are indicated.

Well No.	Record	Count (marked X)
1	Produced full time for 30 days.....	X
2	Produced for 26 days; down 4 days for repairs.....	X
3	Produced for 26 days; down June 5, 12 hours, rods; June 14, 6 hours, engine down; June 25, 24 hours; June 26, 24 hours, pulling rods and tubing.....	X
4	Produced for 12 days; down June 13 to 30.....	
5	Produced for 8 hours every other day (head well).....	X
6	Idle producer (not operated).....	
7	New well, completed June 17; produced for 14 days.....	X
8	New well, completed June 22; produced for 9 days.....	

In this example there are eight wells on the leasehold, but wells 4, 6, and 8 are not counted in computing royalties. Wells 1, 2, 3, 5, and 7 are counted as producing for 30 days. The average production per well per day is determined by dividing the total production of the leasehold for the month (including the oil produced by wells 4 and 8) by 5, the number of wells counted as producing, and dividing the quotient thus obtained by the number of days in the month.

§ 221.50 *Royalty on gas.* The royalty on gas shall be the percentage established by the terms of the lease of the value or amount of the gas produced.

(a) Royalty accrues on dry gas, whether produced as such or as residue gas after the extraction of gasoline.

(b) If the lessee derives revenue on gas from two or more products, a royalty normally will be collected on all such products.

(c) For the purpose of computing royalty the value of wet gas shall be either the gross proceeds accruing to the lessee from the sale thereof or the aggregate value determined by the Secretary of all commodities, including residue gas, obtained therefrom, whichever is greater.

§ 221.51 *Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas.* A royalty as provided in the lease shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The value shall be so determined that the minimum royalty accruing to the lessor shall be the percentage established by the lease of the amount or value of all extracted hydrocarbon substances accruing to the lessee

under an arrangement, by contract or otherwise, for extraction and sale that has been approved by the supervisor:

(a) When a minimum price established by the Secretary is used in determining the value of natural gasoline accruing to the lessee, the volume of such gasoline may be corrected when deemed necessary by the supervisor to such standard and by such method as may be approved by the supervisor, in order that volumetric differences between natural gasolines of various specifications may be equitably adjusted.

(b) The present policy is to allow the use of a reasonable amount of dry gas for operation of the gasoline plant, the amount allowed being determined or approved by the supervisor, but no allowance shall be made for boosting residue gas, or other expenses incidental to marketing.

§ 221.52 *Royalty on drip gasoline or other natural condensate.* The royalty on all drip gasoline, or other natural condensate recovered from gas produced from the leased lands without resort to manufacturing process shall be the same percentage as provided in the lease for other oil, except that such substance, if processed in a casing-head gasoline plant shall be treated for royalty purposes as though it were gasoline.

#### PROCEDURE IN CASE OF DEFAULT BY LESSEE

§ 221.53 *Shutting down operations, lease cancellations.* The supervisor has authority to shut down any operation and place under seal any property or equipment for failure to comply with these oil and gas operating regulations or orders issued hereunder, to enter upon any leasehold and perform any operation that the lessee fails to perform when ordered so to do in writing, and to recommend cancellation of the lease and forfeiture under the bond for noncompliance with the applicable law, lease terms, and regulations.

§ 221.54 *Liquidated damages.* Administrative costs arising out of certain defaults or violations of orders requiring the performance of certain duties by lessees, as set forth in the regulations in this part constitute loss or damage to the United States the amount of which is difficult or impracticable of ascertainment. Therefore, the following amounts shall be deemed to cover such loss or damage and shall be payable upon receipt of notice from the oil and gas supervisor of such loss or damage: *Provided*, That as to paragraph (f) of this section the specified loss or damage shall be applicable to each week or fraction thereof during which the violation continues and as to paragraph (h) of this section the specified loss or damage shall be applicable to each day or fraction thereof during which the violation continues:

(a) For failure to perform any operation ordered in writing by the supervisor, if said operation is thereafter performed by or through the supervisor, the actual cost of performance thereof and an addi-

tional 25 percent to compensate the Government for administrative costs.

(b) For failure to maintain inviolate any seal placed upon any property or equipment by the supervisor, \$50 for each such violation.

(c) For failure to file notice of intention and to obtain approval before starting to drill, or for failure to file notice and obtain approval before making any changes in the originally approved notice of intention, \$25 for each violation.

(d) For failure to file notice and to obtain approval before repairing, redrilling, deepening, plugging-back, plugging, or abandoning any well, in pulling or altering casing, stimulating production by vacuum, acid, or shot, or gas, air, or water injection, or using any well or formation for gas storage or water disposal, \$25 for each violation.

(e) For failure to mark wells or derricks, \$10 for each violation.

(f) For failure to install required high-pressure fittings and equipment, to cement conductor string, or to anchor properly all strings of casing, \$50 for each violation.

(g) For failure to construct and maintain in proper condition slush or mud pits, \$10 for each violation.

(h) For failure to comply with § 221.32, *supra*, \$25 for each violation.

(i) For failure to file sales contracts or division orders as required by lease terms, \$25 for each violation, and for failure to submit pipe-line run tickets, or other proper evidence of disposal as required by these regulations, \$10 for each violation.

(j) For failure to file the following reports within the time specified in the regulations in this part, or within such other time designated in writing by the supervisor, \$10 for each violation:

(1) Log of well, subsequent report of drilling, redrilling, deepening, plugging-back, plugging and abandonment, making water shut-off or formation test, stimulating production by acid or shot.

(2) Lessee's Monthly Report of Operations. Daily Report of Gas-Producing Wells, when required. Lessee's Statement of Oil and Gas Runs and Royalties.

(3) Special forms or reports as required by the supervisor.

§ 221.55 *Payment of damages.* Payment or request for payment for any of the damages assessed for administrative costs under the regulations in this part shall not relieve the lessee from compliance with the provisions of the regulations in this part, or for liability for waste or any other damage. A waiver of any particular cause for the payment of damages shall not be construed as precluding the assessment of damages for any other cause herein specified or for the same cause occurring at any other time.

Damages shall be paid in the manner and as directed by the supervisor.

§ 221.56 *Damages to Indian property.* Damage to lands, crops, buildings, and other improvements on Indian land shall be assessed by the superintendent, and payments for such damages shall be made to the superintendent.



## REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

§ 221.57 *General requirements.* Information required to be submitted in accordance with the regulations in this part shall be furnished in the manner and form prescribed in the regulations in this part or as directed by the supervisor. Prescribed standard forms in general use are described in §§ 221.58-221.64, *infra*. Copies of such forms can be obtained from the supervisor and must be filled out completely and filed punctually with that official. Failure of the lessee to submit the information and reports required herein constitutes noncompliance with the terms of the regulations in this part and is cause for the assessment of specific damages as prescribed by the regulations in this part and the cancelation of the lease.

§ 221.58 *Sundry notices and reports on wells (Form 9-331A Public; Form 9-331B Indian).* Forms 9-331A and 9-331B cover all notices of intention and all subsequent reports pertaining to individual wells except those for which special blanks are provided. The forms may be used for any of the purposes listed thereon, or a special heading may be inserted in the blank to adapt it for use for similar purposes. Any written notice of intention to do work or to change plans previously approved must be filed in triplicate, unless otherwise directed, and must reach the supervisor and receive his approval before the work is begun. The lessee is responsible for receipt of the notice by the supervisor in ample time for proper consideration and action. If, in case of emergency, any notice is given orally or by wire, and approval is obtained, the transaction shall be confirmed in writing as a matter of record. The following paragraphs illustrate some of the uses to which Forms 9-331A and 9-331B may be put and indicate the requirements with respect to each use.

(a) *Notice of intention to drill.* The notice of intention to drill a well must be filed with the supervisor and approval received before the work is begun. This notice must give the location, in feet, and direction from the nearest lines of established public survey; the altitude of the ground and derrick floor above sea level and how obtained; and the geologic name of the surface formation. Under the heading "Details of Work", the proposed drilling and casing plan should be outlined in detail. Essential information includes type of tools, proposed depth to which the well will be drilled, estimated depths to the top of important markers, estimated depths at which water, oil, gas, and mineral beds are expected, the proposed casing record, including the size and weight of casing, the depth at which each string is to be set, and the amount of cement and mud to be used. Information also shall be given relative to the drilling plan, such as making drill-stem tests, drilling in with oil, using reversed circulation, perforating opposite pays, using special types of mud in rotary drilling, coring at specified depths, and using electric logging together with any other information which may be required by the supervisor.

(b) *Notice of intention to change plans.* Where unexpected conditions necessitate any change in the plans of proposed work already approved, complete details of the changes must be submitted to the supervisor and approval thereof obtained before the work is undertaken.

(c) *Notice of date for casing and water shut-off test.* The protection and segregation of oil, gas, or water-bearing formations is an important item of conservation, and the supervisor will witness all casing and water shut-off tests. Notice must be filed with the supervisor in advance of the date on which the lessee expects to make such test. Later by agreement the exact time shall be fixed. The casing test and the test of water shut-off must be approved before further drilling can proceed. In the event of failure, casing must be repaired or replaced or recemented, whichever the conditions may require.

(d) *Subsequent report of casing and water shut-off test.* Within 15 days after making a casing or water shut-off test, the results of the test must be reported. The report must give complete and accurate details, amount of mud and cement used, lapse of time between running and cementing the casing and making the test, method of testing, and results.

(e) *Notice of intention to redrill, repair, or condition well.* Before repairing, deepening, or conditioning a well, a detailed written statement of the plan of work must be filed with the supervisor and approval obtained before the work is started. In work that affects only rods, pumps, or tubing, or other routine work, such as cleaning out to previous total depth, no report is necessary unless specifically required by the supervisor.

(f) *Subsequent report of redrilling, repairing, or conditioning.* Within 15 days after completion of the repair work a detailed report of work done and the results obtained should be filed. Such report shall show the amount of production of oil, gas, and water, both before and after the work is done, and shall also include a complete statement of the work accomplished and methods employed, including all dates.

(g) *Notice of intention to use explosive or chemicals.* Before using explosive or chemicals (shooting or acidizing) in any well, whether for increasing production or in drilling, repair, or abandonment, notice of intention shall be filed and approval obtained before the work is done. When such notice of intention forms a part of a notice of intention to redrill, repair, or abandon a well, the supervisor may accept such notice in lieu of a separate notice of intention to use explosive or chemicals. The notice of intention to use explosive or chemicals must be accompanied by the complete log of the well to date, provided the complete log has not previously been filed, and must state the object of the work to be done, the amount and nature of the material to be used, its exact location and distribution in the well by depths, the method of localizing its effects, and the name of the company that is to do the work. The notice shall also contain an accurate statement of the dates and daily production of oil, gas, and water from the well

for each of the last preceding 10 producing days.

(h) *Subsequent report of use of explosive or chemicals.* After using explosive or chemicals in any well a subsequent report must be filed with the supervisor. This report shall be filed separately within 15 days after the work is done, unless such report is included in the log as a part of a report of other subsequent work done or as a part of an abandonment report any one of which shall have been filed within that period. The subsequent report of use of explosive or chemicals shall include a statement of the amount and the nature of the material used, its exact location and distribution in the well by depths, and the method used to localize its effects. The report shall also contain an accurate statement of the dates and daily production of oil, gas, and water for each of the last 10 producing days preceding the use of explosive or chemicals and a similar statement of production after the work is done. In addition, this report must include other pertinent information, such as the depth to which the well was cleaned out, the time spent in bailing and cleaning out, and any injuries to the casing or well.

(i) *Notice of intention to pull, perforate, or otherwise alter casing.* If any casing is to be pulled, perforated, or otherwise altered, notice of intention must be filed and approved before the work is started. Such notice must give full details of the contemplated work, stating fully what changes are intended and what results are anticipated. A notice of intention to perforate the casing shall state the conditions of the well that make such work desirable; whether it is to be ripped or shot, the depth, number, and size of shots, or if ripped, the depths of the rips proposed; the production of oil, gas, and water; and, if a log of the well has not already been filed, the notice should be accompanied by a duplicate copy of the log showing all casing seats as well as all water strata and all oil and gas shows.

(j) *Subsequent report of pulling, perforating, or otherwise altering casing.* If any casing has been pulled, perforated, or otherwise altered, the results of the work should be reported within 15 days after the completion of such work, stating exactly what was done and the results obtained, including any change in production. The report of perforating casing also should include the number, depth, and size of shots, the date shot, and who did the shooting. If ripped, the depths and number of rips should be stated. The production of oil, gas, and water obtained by the work should be shown.

(k) *Notice of intention to abandon well.* Before beginning abandonment work on any well, whether drilling well, oil or gas well, water well, or so-called dry hole, notice of intention to abandon shall be filed with the supervisor and approval obtained before the work is started. The notice must show the reason for abandonment and must be accompanied by a complete log, in duplicate, of the well to date, provided the complete log has not been filed previously, and must give a detailed statement of the proposed work, including such information as kind,



location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, and removing casing, as well as any other pertinent information.

(1) *Subsequent report of abandonment.* After a well is abandoned or plugged a subsequent record of work done must be filed with the supervisor. This report shall be filed separately within 15 days after the work is done. The report shall give a detailed account of the manner in which the abandonment or plugging work was carried out, including the nature and quantities of materials used in plugging and the location and extent (by depths) of the plugs of different materials; records of any tests or measurements made and of the amount, size, and location (by depths) of casing left in the well; and a detailed statement of the volume of mud fluid used, and the pressure attained in mudding. If an attempt was made to part any casing, a complete report of the methods used and results obtained must be included.

§ 221.59 *Log and history of well (Form 9-330).* The lessee shall furnish in duplicate, on Form 9-330, to the supervisor, not later than 15 days after the completion of each well, a complete and accurate log and history, in chronologic order, of all operations conducted on the well. If a log is compiled for geologic information from cores or formation samples, duplicate copies of such log shall be filed in addition to the regular log. Duplicate copies of all electric logs, temperature surveys, or direction surveys shall be furnished. The lessee shall require the drillers, whether using company labor or contract labor, to record accurately the depth, character, fluid content, and fluid levels, where possible, of each formation as it is penetrated, together with all other pertinent information obtained in drilling the well. The practice of compiling well logs from memory, after the work has been completed, will not be permitted.

§ 221.60 *Monthly report of operations (Form 9-329 Public; Form 9-329A Indian).* A separate report of operations for each lease must be made on Form 9-329 for public land and on Form 9-329A for Indian land, for each calendar month, beginning with the month in which drilling operations are initiated, and must be filed in duplicate with the supervisor on or before the 6th day of the succeeding month, unless an extension of time for the filing of such report is granted by the supervisor. The report on this form shall disclose accurately all operations conducted on each well during each month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands, and the report must be submitted each month until the lease is terminated or until omission of the report is authorized by the supervisor.

It is particularly necessary that the report shall show for each calendar month:

(a) The lease be identified by inserting the name of the United States land

office and the serial number, or in the case of Indian land the lease number and lessor's name, in the space provided in the upper right corner;

(b) Each well be listed separately by number, its location be given by 40-acre subdivision ( $\frac{1}{4}$   $\frac{1}{4}$  sec. or lot), section number, township, range, and meridian;

(c) The number of days each well produced, whether oil or gas, and the number of days each input well was in operation be stated;

(d) The quantity of oil, gas, and water produced, the total amount of gasoline, and other lease products recovered, and other required information. When oil and gas, or oil, gas, and gasoline, or other hydrocarbons are concurrently produced from the same lease, separate reports on this form should be submitted for oil and for gas and gasoline, unless otherwise authorized or directed by the supervisor.

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date each such depth was reached, the date and reason for every shut-down, the names and depths of important formation changes and contents of formations, the amount and size of any casing run since last report, the dates and results of any tests such as production, water shut-off, or gasoline content, and any other noteworthy information on operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the supervisor. If no runs or sales were made during the calendar month, the report must so state.

§ 221.61 *Daily report of gas-producing wells (Form 9-352).* Unless otherwise directed by the supervisor, the readings of all meters showing production of natural gas from leased lands shall be submitted daily on form 9-352, together with the meter charts. After a check has been had the meter charts will be returned.

§ 221.62 *Statement of oil and gas runs and royalties (Form 9-361 Public; Form 9-361A Indian).* When directed by the supervisor, a monthly report shall be made by the lessee in duplicate, on Form 9-361 or 9-361A, showing each run of oil, all sales of gas, gasoline, other lease products, and the royalty accruing therefrom to the lessor. When use of this form is required it must be completely filled out and sworn to.

§ 221.63 *Royalty and rental remittance (Form 9-614A Indian).* Form 9-614A, completely filled out and signed, shall be submitted to the supervisor in triplicate and shall accompany each remittance covering payments of royalty or rental on Indian lands.

§ 221.64 *Royalty and rental remittance (Form 11ND Naval Petroleum Reserves).* Form 11ND, completely filled out and signed, must accompany each remittance covering payments of royalty or rental on Naval Petroleum Reserves. The remittance and the original form shall be sent direct to the Property Accounting Officer, United States Navy, Bureau of Supplies and Accounts, Navy Depart-

ment, Washington, D. C., and the duplicate and triplicate copies of the form shall be sent to the oil and gas supervisor.

§ 221.65 *Special forms or reports.* When special forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the supervisor.

§ 221.66 *Appeals.* An appeal from any order issued under authority of the regulations in this part may be filed as hereinafter set forth in this section. Compliance with any such order shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Director, or the Secretary (dependent upon the officer with whom the appeal is pending), and then only upon a determination that such suspension will not be detrimental to the lessor or upon the submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

(a) An appeal to the Director may be taken from any order of the supervisor by filing such appeal with the latter officer within 20 days after service of the order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of facts must be made under oath.

(b) The supervisor shall transmit the appeal and accompanying papers to the Director with a full report and recommendations in the premises and that officer shall review the record and render such a decision in the case as he deems proper.

(c) An appeal from any decision of the Director may be taken to the Secretary within 30 days after service of the Director's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statement of facts not submitted to the Director must be made under oath.

(d) Oral argument in any case pending before the supervisor, the Director, or the Secretary will be allowed on motion in the discretion of such officer and at a time to be fixed by him.

(e) The procedure for appeals involving leases for public land shall be followed for leases on the naval petroleum reserves and Indian land except that, with regard to the Naval Petroleum Reserves, the Director of Naval Petroleum Reserves, and with regard to Indian land, the Commissioner of Indian Affairs will exercise the functions vested in the Director.

§ 221.67 *Effective date of the regulations in this part, repeal of prior regulations.* The regulations in this part shall become effective on the 1st day of June 1942, and shall supersede the oil and gas operating regulations of November 1, 1936, as amended, 1 F.R. 1996-2003, 56 I.D. 415, Title 30 CFR, Ch. II, §§ 221.1-221.56, except as to leases and unit agreements in force and effect on June 1, 1942,



to which the regulations in this part are not applicable.<sup>1</sup>

Recommended for approval.

W. C. MENDENHALL,

Director of the Geological Survey.

Approved: March 23, 1942.

HAROLD L. ICKES,

Secretary of the Interior.

Approved: May 23, 1942.

JAMES FORRESTAL,

Acting Secretary of the Navy.

Approved: May 25, 1942.

FRANKLIN D. ROOSEVELT,

President of the United States.

[F. R. Doc. 42-5084; Filed, June 1, 1942; 9:07 a. m.]

<sup>1</sup> Not applicable on said effective date to lands acquired under the act known as the Appalachian Forest Act of March 1, 1911, 36 Stat. 961, to lands in national parks, to lands withdrawn or reserved for military or naval uses or purposes, except naval petroleum reserves, or to lands within the Osage Indian Reservation.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3487	Arnold, Walter S.	Freeport	44	E	Oakmont, W. Va.	WM	68	D	D	D	D	D
1080	Bernard, John	Bernard	16	D	Hastings, Pa.	PRR	50	E	E	E	E	E
3488	Brown, Earl M.	Goshen Twp. #3	8	D	Surveyor, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)
3489	Brown, Earl M.	Goshen Twp. #4	8	D	Surveyor, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)
2648	Cable, John J.	Grazier	32	C	Foustcll, Pa.	B&O	100	(*)	(*)	(*)	(*)	(*)
955	Davison & Son, T. H. (T. H. Davison)	Bennett	23	E	Josephine, Pa.	PRR	56	(*)	(*)	(*)	(*)	(*)
1346	Fallier, William (Fallier Coal Co.)	Fallier	29	B	Johnstown, Pa.	C&H	47	(*)	(*)	(*)	(*)	(*)
2753	Lamkie Brothers (W. H. Lamkie)	Lamkie #2	12	C	McGees, Pa.	PRR	50	(*)	(*)	(*)	(*)	(*)
573	Lansberry & Son, Abbie E.	Lansberry #3	8	B	Woodland, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)
2336	Lansberry & Son, Abbie E.	Lansberry #5	8	B	Woodland, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)
2337	Lansberry & Son, Abbie E.	Lansberry #7	8	B	Woodland, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)
1771	Miller, John E. (Speicher Coal Co.)	Speicher	29	C	Johnstown, Pa.	J&S	48	(*)	(*)	(*)	(*)	(*)
2958	Muth, Raymond (Muth Coal Co.)	Hayes	6	E	Luthersburg, Pa.	B&O	113	(*)	(*)	(*)	(*)	(*)
3490	O'Hara, Robert	O'Hara #2	39	D	Reynoldsville, Pa.	PRR	122	(*)	(*)	(*)	(*)	(*)
3495	Riddlesburg Coal & Iron Company, c/o D. H. Tyson	Brown	37	D	Riddlesburg, Pa.	H&B-TM	43	(*)	(*)	(*)	(*)	(*)
3491	Stutzman & Sons, W. E.	Merle	37	D	Friedens, Pa.	B&O	100	(*)	(*)	(*)	(*)	(*)
3491	Stutzman & Sons, W. E.	Lambert	37	D	Friedens, Pa.	B&O	100	(*)	(*)	(*)	(*)	(*)
3494	Walker, Ray S. (Bradford Coal Company)	Aurora Pit #1	8	E	Shawsville, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)
719	Prushnok, J. F. (The Arcadia Company)	Arcadia #43	12	E	Hooverhurst, Pa.	NYC	44	(*)	(*)	(*)	(*)	(*)

\*When shown under a size group number, this symbol indicates coals previously classified for this size group.  
 †When shown under a size group number, this symbol indicates no classification effective for this size group.  
 ‡Denotes new shipping point. Shipping point at Arcadia, Pa. on NYC Railroad shall no longer be applicable.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and by § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping point of Mine Index No. 719 appearing in the aforesaid Supplement R is effective.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

[SEAL]

DAN H. WHEELER,  
Acting Director.

tive in place of the shipping point heretofore established for this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 18, 1942.



## FOR TRUCK SHIPMENTS

## § 321.24 General prices—Supplement T

(Prices and cents per net ton for shipment into all market areas)

Code member index name	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3 1/4" and under slack
						1	2	3	4	5
Albert & Sons, Newton.....	3486	Newton Al- bert #2	8	Clearfield...	D.....			225		
Arnold, Walter S.....	3487	Freeport.....	44	Mineral.....	E.....	255	230	230	220	210
Brown, Earl M.....	3488	Goshen Twp. #3	8	Clearfield.....	D.....			225		
Brown, Earl M.....	3489	Goshen Twp. #4	8	Clearfield.....	C.....			220		
Cable, John J.....	2648	Grazier.....	32	Somerset.....	C'.....	(†)	(†)	(*)	210	200
Hoover, Joseph.....	3508	Alder Run #2.....	8	Clearfield.....	B.....			230		
Lamkie Brothers (W. H. Lamkie).....	2753	Lamkie #2.....	12	Indiana.....	C'.....	(†)	(†)	(*)	205	195
Lansberry & Son, Abbie E.....	573	Lansberry #3.....	8	Clearfield.....	C'.....	245	220	(*)	210	200
Lansberry & Son, Abbie E.....	2336	Lansberry #5.....	8	Clearfield.....	B.....	250	225	(*)	215	205
Lansberry & Son, Abbie E.....	2337	Lansberry #7.....	8	Clearfield.....	C.....	(*)	220	(*)	(*)	200
Muth, Raymond (Muth Coal Co.).....	2938	Hayes.....	6	Clearfield.....	E.....	245	(†)	(*)	210	(†)
O'Harah, Robert.....	3490	O'Harah #2.....	6	Jefferson.....	E.....	(†)	(†)	220	(†)	(†)
Riddlesburg Coal & Iron Com- pany c/o D. H. Tyson.....	3495	Brown.....	39	Bedford.....	Kelly.....	(†)	(†)	220	(†)	(†)
Romsburg, P. L.....	3475	LeRoy.....	41	Somerset.....	Redstone.....	(†)	(†)	210	(†)	(†)
Stutzman & Sons, W. E.....	3491	Lambert.....	37	Somerset.....	D.....	(†)	(†)	240	(†)	(†)
Stutzman & Sons, W. E.....	3492	Merle.....	37	Somerset.....	D.....	(†)	(†)	240	(†)	(†)
Tasker, Walter B.....	963	Tasker.....	44	Mineral.....	B.....	(†)	(†)	210	(†)	(†)
Underhill Coal Mining Company.....	3493	Tyler #14.....	2	Clearfield.....	C'.....	235	(†)	210	195	185
Walker, Ray S. (Bradford Coal Company).....	3494	Aurora Pit #1.....	8	Clearfield.....	E.....		(†)	225	215	205

† When shown under a Size Group number, this symbol indicates no classification effective for this Size Group.

\* When shown under a Size Group number, this symbol indicates coals previously classified for this Size Group.

(F. R. Doc. 42-5012; Filed, May 29, 1942; 11:39 a. m.)

[Docket No. A-1284]

PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 7

## PRICE REVISIONS, ETC.

Findings of fact, memorandum opinion and order in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for certain coals of Mine Index No. 637 for all shipments except truck and for truck shipment and for the revision of the effective minimum prices for the coals of such mines in Size Groups 3, 5, and 6, for truck shipments.

This proceeding was instituted upon a petition filed on January 23, 1942, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), by District Board No. 7. In its petition, District Board No. 7 requests the following relief:

- (1) The establishment of classification and effective minimum prices for all shipments except truck for the coals of the Stover Fork Mine, Mine Index No. 637;
- (2) For a revision of effective minimum prices for coals produced at such mine in Size Groups 3, 5, and 6 for shipment by truck; and
- (3) For the establishment of effective minimum prices for coals of said mine in Size Groups 1 and 2 for shipment by truck.

Temporary relief in accordance with the petition was granted by an order dated February 12, 1942, 7 F. R. 1111.

By order of the Acting Director dated February 12, 1942, after due notice to all interested persons, this matter came on for hearing on March 18, 1942, before

D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C.

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing.

District Board No. 7 and Bituminous Coal Consumers' Counsel appeared.

At the conclusion of the hearing all parties participating therein waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to the Acting Director.

Upon the uncontroverted evidence, I find that Henry H. Miller, a code member producer in District No. 7, operates the Stover Fork Mine, Mine Index No. 637,<sup>1</sup> which mine was formerly operated by L. L. Johnson. The Schedule of Effective Minimum Prices for District No. 7 lists this mine as being situated in Subdistrict 2 of District No. 7, when, in fact, it is located in Subdistrict 5 of District No. 7.

The Stover Fork Mine is situated near and adjacent to Crab Orchard Mine (Mine Index No. 44) of the Gulf Mining Company, both mines producing comparable coals from the same seam. Petitioner therefore avers that the same classification and effective minimum prices should prevail for both mines and

<sup>1</sup> At the time of the filing of the petition, Stover Fork Mine, Mine Index No. 637, was being operated by H. H. Miller, upon whom service of process was had. On date of January 27, 1942, which is subsequent to the filing of the petition and service of process and prior to the hearing hereof, this mine was leased to A. P. Phillips.

predicated upon this fact, the petitioner filed proposed rail prices and a revision of truck prices previously established for Size Groups 3, 5 and 6.

The original operator (Miller) having requested rail prices, an investigation was conducted to determine which would be the proper classification and effective minimum prices for rail shipment for this mine. The investigation disclosed that the Stover Fork Mine is in the vicinity of and mining coal from the same seam (Sewell) as is Mine Index No. 44, the coals of both mines being of comparable quality and of equally competitive value and serving the same markets. Accordingly, upon this basis, classification and effective minimum prices for shipment by rail are proposed here.

As set forth in the Schedule of Effective Minimum Prices for District No. 7 for Truck Shipments, the effective minimum prices established for Size Groups 3, 5, and 6 coals for Mine Index No. 637 are \$2.60, \$1.90, and \$1.85 respectively. No prices have been established for Size Groups 1 and 2. The effective minimum prices established for Mine Index No. 44, are as follows: Size Group 1, \$3.15; Size Group 2, \$2.50; Size Group 3, \$2.80; Size Group 4, \$2.15; Size Group 5, \$1.95; and Size Group 6, \$1.90.

Harry Thompson, Technical Adviser for District Board No. 7, was the only witness who testified at this hearing. He stated that the existing price differences ought to be corrected by raising the effective minimum prices of Size Groups 3, 5, and 6 of Mine Index No. 637 from \$2.60, \$1.90 and \$1.85, respectively, to \$2.80, \$1.95, and \$1.90, respectively.

Witness Thompson stated that the proposed charges were entirely satisfactory to Miller and in the opinion of Miller were consistent with fair competitive prices. He stated further that most mines operating in the Sewell Seam had a "B" classification for shipment by rail, stating further that the proposed classification and prices, as set forth in the petition, would properly reflect the real market value of the coals of Stover Fork Mine.

For the foregoing reasons and based upon the Findings of Fact set forth above, I conclude that in order to satisfy the applicable standards of the Act, the prayers of relief, as set forth in the petition of District Board 7, should be granted by:

- (1) Establishing "B" classifications and prices for Size Groups 1, 2, 6, 7, 8 and 9 and "A" classifications for Size Groups 3, 4 and 5 for coals of Stover Fork Mine, Mine Index No. 637, for all shipments except truck;

- (2) Revising classifications and effective minimum prices for coals in Size Groups 3, 5 and 6 for said mine, for shipment by truck; and

- (3) The establishment of effective minimum prices in Size Groups 1 and 2 for shipment by truck. All of these changes are set forth in Supplements R and T attached hereto and made a part hereof.

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this order § 327.11 (*Low volatile coals: Alphabetical list of code members*) is



amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are

hereinafter set forth and hereby made a part hereof.

Dated: May 2, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members—Supplement R*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
637	Phillips, A. P. ....	Stover Fork....	5	Sewell..	Mabscott, W.Va.	C&O..	10	B	B	A	A	A	B	B	B	B	(f)

(f) Indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area—Supplement T*

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3/4" or larger, all egg and stove	All nut or pea 1 1/4" top size or smaller	Screened M/R	Straight mine run	1 1/4" screenings	3/4" screenings
						1	2	3	4	5	6
Phillips, A. P. ....	637	Stover Fork.....	5	Raleigh....	Sewell....	315	250	280	(*)	195	190

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-5017; Filed, May 29, 1942; 11:41 a. m.]

[Docket No. A-1432]

PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 7

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in  
No. 107—8

the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

An original petition, having been duly filed with this Division by the above-

named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: May 13, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.







§ 328.11 *Alphabetical list of code members—Supplement R-I*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

[illegible]

\* Denotes correction in seam designation. Docket No. A-1283 erroneously listed this seam as Upper Banner.

Denotes correction in seam designation. Docket No. A-1283 erroneously listed this seam as Oppa.

\*Indicates previously classified these size groups.

† Indicates no classification effective for these size groups.

<sup>4</sup> Denotes new shipping point. Shipping Point at Oneida, Tenn., shall no longer be applicable.

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## § 328.11 Alphabetical list of code members—Supplement R-I—Continued

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Price classifications by size group Nos.															
							For destinations other than Great Lakes									For Great Lakes cargo only						
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
5467	Sizemore & Company, J. T.	Youngs Branch	Widow Kennedy	8	Grundy, Va.	N&W																
2094	Watts, Geo. R.	Taylor	Glen Mary	6	Robbins, Tenn.	CNOTP																
5504	Wilson, L. A. (Wilson Coal Co.)	Wilson No. 2	Winifrede	4	Cabin Creek, W. Va.	C&O																
5487	Wright, C. M. (Bald Knob Coal Co.)	Jellico Mine No. 2	Jellico	6	Rockhold, Ky.	L&N																
4050	Young, Walter	Walter Young	Blue Gem	6	Yadon, Ky.	L&N																

\*Indicates previously classified these size groups.

## § 328.21 Alphabetical list of code members—Supplement R-II

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown†

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
5482	Simmons, W. E.	Buck Coal Co.	9	Cary	Page, Va.	N&W	100	C	C	D	D	D	C	C	H	H	H

## FOR TRUCK SHIPMENTS

## § 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under, egg 2" x 4"	Bgg 2" x 4", egg 2"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	3/4" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN											
CARTER COUNTY, KY.											
Rigsby, Lonnie	Rigsby No. 2	5513	No. 7	265	245	210	220	205	200	150	145
LAWRENCE COUNTY, KY.											
Perry, Ray	Vaughn	5465	McHenry	265	245	210	220	205	200	150	145
LEITCH COUNTY, KY.											
Belcher, Levi	Adams	5485	Elkhorn #1	275	255	220	230	215	210	170	165

†Indicates no classification effective for these size groups.

## § 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under, egg 2" x 4"	Bgg 2" x 4", egg 2"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	3/4" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN—Continued											
PIKE COUNTY, KY.											
Billiter, Ben & E. S. Shurtlett (E. S. Shurtlett)	Polly Billiter	5502	Elkhorn #2	275	255	220	230	215	210	170	165
Birchfield, W. M.	Birchfield No. 2	5497	Elkhorn #2	275	255	220	230	215	210	170	165
Elkhorn Ferguson Coal Company (Charles R. Epperson), Inc. (C. D. Jacobs)	Epperson No. 2	5511	Elkhorn #2	275	255	220	230	215	210	170	165
SUBDISTRICT No. 2—HARLAN HARLAN COUNTY, KY.	Greenough No. 2	5496	Elkhorn #1	275	255	220	230	215	210	170	165
HALL, DIXON											
Madden, Burrey	Eliza Madden	5464	Pine Mountain	270	250	225	230	210	215	175	170
SUBDISTRICT No. 3—HAZARD BREATHT COUNTY, KY.											
Profit, S. G.	Profit	5498	No. 4	265	245	210	205	190	200	145	140
LEE COUNTY, KY.											
Witt, Ed.	Witt	5483	Beattyville	275	255	220	225	205	210	155	150
LEITCH COUNTY, KY.											
Cook, Archie	Archie Cook No. 3	5468	Whitesburg	265	245	220	220	205	210	155	150



§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index	Mine	Seam	Base sizes																			
			Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under, egg 2" x 4"	Stove 3" and under, nut 2" and under, egg 2" x 4"	Straight mine run	2" and under slack	3/4" and under slack													
SUBDISTRICT No. 3—HAZARD—Continued  WOLFE COUNTY, KY.  Alexander, W. F. & W. B. Burton, J. A.  SUBDISTRICT No. 4—KANAWHA  CLAY COUNTY, W. VA.  Fitzwater, Morgan S.  KANAWHA COUNTY, W. VA.  Wilson, L. A. (Wilson Coal Co.).  MASON COUNTY, W. VA.  Barker & Lockett.  PUTNAM COUNTY, W. VA.  Hash & Shank (Charles E. Shank).  BALEIGH COUNTY, W. VA.  Adams, V. A.  SUBDISTRICT No. 5—LOGAN  LINCOLN COUNTY, W. VA.  Chapman, Walter.  SUBDISTRICT No. 6—SOUTHERN APPALACHIAN  JACKSON COUNTY, KY.  Harri on, Boyd.  KNOX COUNTY, KY.  Engle, L. H.  LESLIE COUNTY, KY.  Cutshin Coal Co.  PULASKI COUNTY, KY.	Mine Index No.	Code member index	SUBDISTRICT No. 6—SOUTHERN APPALACHIAN—Continued  ROCKCASTLE COUNTY, KY.  Finley, Lloyd.  WHITLEY COUNTY, KY.  Croley, J. R. Greene, A. M. King, Luther Moses & Gorman (John P. Gorman) Siler & Neal (W. K. Siler) Wright, C. M. (Bald Knob Coal Co.).  SCOTT COUNTY, TENN.  Lindsay, Edd Phillips, Leonard.  SUBDISTRICT No. 7—VIRGINIA  LEE COUNTY, VA.  Minton & Kennedy (W. O. Minton).  RUSSELL COUNTY, VA.  Brown, Rev. O. W. Vernon & Hooker (J. W. Vernon). Whited, Herbert P. & T. L. Whited.  WISE COUNTY, VA.  Hughes, John S.  SUBDISTRICT No. 8—WILLIAMSON  BUCHANAN COUNTY, VA.  Rowe, J. N. Sizemore & Company, J. T.  MINGO COUNTY, W. VA.  Burning Creek Coal Company (Nick Antonacci).	Mine Index No.	Seam	Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under, egg 2" x 4"	Stove 3" and under, nut 2" and under, egg 2" x 4"	Straight mine run	2" and under slack	3/4" and under slack										
													5503	Knob	265	245	210	220	205	200	150	145
													5458	Knob	265	245	210	220	205	200	150	145
													5459	No. 5 Block	245	225	210	195	180	200	145	140
													5504	Winifrede	290	270	220	235	205	210	165	160
													5505	Pittsburgh #8	270	260	205	235	180	195	155	150
													5481	Pittsburgh #8	245	225	205	195	180	195	125	120
													5417	Powellton	270	250	235	240	215	225	180	175
													5506	Alma	245	225	220	215	195	210	155	150
													5453	Sand Gap	265	245	220	220	205	210	155	150
5512	Jellico	255	235	225	225	205	215	155	150													
5507	No. 4	275	255	220	225	205	210	155	150													
5454	No. 3	265	245	220	220	205	210	155	150													



§ 328.42 General prices for low volatile coals—Supplement T-II

Code member index	Mine	Mine index No.	Seam	All lump	Egg: Larger than 3", top	Stove 3", top size	Nut or pea: 1½" top or less	Screened M/R	Straight M/R	1½" screenings		¾" screenings	
										7	8	7	8
SUBDISTRICT No. 9— BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAM- SON DISTRICTS													
BUCHANAN COUNTY, VA. Stimmons, W. E.	Buck Coal Co.	5482	Cary	305	305	290	230	270	205	155	150		

[F. R. Doc. 42-5011; Filed, May 29, 1942; 11:39 a. m.]

[Docket No. A-1436]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 9  
RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and  
No petitions of intervention having been filed with the Division in the above-entitled matter; and  
The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are herein-

after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bi-

tuminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: May 18, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 9  
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 Alphabetical list of code members—Supplement R

Mine index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
580	Allen, Claud & Son (Claud Allen)	Allen <sup>1</sup>	9	40	Greenville	IC.
1008	Bridges, W. W., Rice (Black Diamond Coal Mining Co.)	Black Diamond #4 <sup>1</sup>	11	30	Central City	L&N.
969	Ferguson & Morris	Pleasant Ridge <sup>1</sup>	9	10	St. Charles	L&N.
323	Gillard, Herman	Kirkwood #1	9	40	Nortonville	IC.
1004	Knight, Cliff	Knight <sup>1</sup>	9	10	St. Charles	IC.
636	Mercer, R. T. (M. & S. Coal Mine)	M. & S. <sup>1</sup>	9	40	Greenville	IO.
642	Mercer, Alna & Allen, Arthur (Alna Mercer)	Mercer #3 <sup>1</sup>	9	40	Central City	L&N.
984	Paradise Mining Co. (W. C. Bates)	Paradise Mining Co. <sup>1</sup>	9	40	Rockport	IC.
953	Rich, W. M.	Blue Bird <sup>1</sup>	9	50	Drakesboro	L&N.
1009	West Kentucky Coal Company, C. C.	Poplar Ridge <sup>1</sup>	9	20	Providence	IC.
802	Wilson, C. T. (Baize Coal Mine)	Wilson <sup>1</sup>	9	30	Morton	L&N.
201		Baize Coal <sup>2</sup>	Stray	30	Browder	L&N.

<sup>1</sup> The f. o. b. mine prices for coal shipped by Mine Index Nos. 580, 1008, 969, 323, 1004, 636, 642, 984, 953, 1009, 802 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

<sup>2</sup> The f. o. b. mine prices for coal shipped by Mine Index No. 201 to any market area for any use, including Railroad Locomotive Fuel, for size groups 1 to 4, inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 29, inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.



## FOR TRUCK SHIPMENTS

## § 329.24 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																	
				1, 2,	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
Knight, Cliff	1004	Knight	#9	205	195	185	175	170	160	160	150	140	110	50							
Schindler, Charlie	1005	Schindler	#9	205	195	185	175	170	160	160	150	140	110	50							
				205	195	185	175	170	160	160	150	140	110	50							
Walker, E	1006	Baker #2	#9																		
Bridges, W. W. Rec. (Black Diamond Coal Mining Co.)	1008	Black Diamond #4	#11	205	195	185	175	170	160	160	150	140	110	50							
Kyle, Edgar	1002	Kyle	#9	205	195	185	175	170	160	160	150	140	110	50							
West Kentucky Coal Company	1009	Poplar Ridge	#9	205	195	185	175	170	160	160	150	140	110	50	155	150	145	135	105	120	115

[F. R. Doc. 42-5013; Filed, May 29, 1942; 11:39 a. m.]

PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

[Docket No. A-1367]

## RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

*plicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth, and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure be-

fore the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of the McDade & Tittle Mine (Mine Index No. 749) of McDade & Tittle (Jack McDade) for truck shipments for the reason that such relief has been heretofore granted this mine in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 13 For Truck Shipments under the predecessor Claud A. Reed:

Dated: May 5, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.



## § 333.6 General prices—Supplement R

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1249	Gilland, Bill	Mickle & Gilland <sup>1</sup>	1	Black Creek	31
1492	Aufrey Coal & Coke Co., Inc.	Weller <sup>2</sup>	1	Blue Creek	31
1494	Gwin, J. W.	Shoal Creek <sup>3</sup>	1	Gwin	31
1496	Letanovsky, S. A.	Letanovsky <sup>4</sup>	1	Pratt	50
1481	Benefeld, C. T.	Poplar Hollow #3 <sup>5</sup>	1	Black Creek	111
687	Dodd, G. W.	Bowlin #4 <sup>6</sup>	1	Black Creek	111
768	Harbin, W. J.	Harbin #4 <sup>6</sup>	1	Black Creek	*60
1327	Harbin, W. J.	Harbin #5 <sup>6</sup>	1	Black Creek	*60
1328	Harbin, W. J.	Harbin #6 <sup>6</sup>	1	Black Creek	*60
1329	Harbin, W. J.	Harbin #7 <sup>6</sup>	1	Black Creek	*60
1330	Harbin, W. J.	Harbin #8 <sup>6</sup>	1	Black Creek	*60
1444	Holcomb, Wyman	Moore #1 <sup>7</sup>	1	Black Creek	101
1502	Bradford, George	McArthur <sup>8</sup>	1	Pratt-America	121
685	Gay, Oscar	Johnson <sup>9</sup>	1	Black Creek	100
130	McGough, Oscar	Ed McGough #2 <sup>10</sup>	1	Black Creek	101
1491	McBroom, Dewey	Oak Leaf #2 <sup>11</sup>	1	Black Creek	111

<sup>1</sup> Shipping Point: Warrior, Ala. Railroad: L&N. This mine shall have the same price in size group 13 on all price tables as listed for mine with Index No. 314 (Dixie Fire Brick Company, Dixie No. 2 mine).

<sup>2</sup> Shipping Point: Weller, Ala. Railroad: L&N. This mine shall have the same prices in size groups 1, 2, 6, 17, 18 and 24 on all price tables as listed for mine with Index No. 67. This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17, and 18, respectively, for mine with Index No. 67.

<sup>3</sup> This mine shall have the same price in size group 12 on all price tables as listed for mine with Index No. 68. This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index No. 68.

<sup>4</sup> Shipping Point: Johns, Ala. Railroad: L&N. This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index No. 31.

<sup>5</sup> Shipping Point: Brookside, Ala. Railroad: Southern. This mine shall have the same prices in size groups 1, 2, 13, 19 and 23 on all price tables as listed for mine with Index No. 71.

<sup>6</sup> Shipping Point: Glen Mary, Ala. Railroad: Southern. These mines shall have the same prices in size groups 1, 7, 13 and 23 on all price tables as listed for mine with Index No. 411 (J. H. Burgess, Burgess mine). These mines shall have the same price in size group 2 on all price tables as listed in size group 1 for mine with Index No. 411 (J. H. Burgess, Burgess mine).

<sup>7</sup> Shipping Point: Brilliant, Ala. Railroad: I.C.

<sup>8</sup> Shipping Point: Glen Allen, Ala. Railroad: SL&SF. This mine shall have the same prices in size groups 13, 19, 22 and 23 on all price tables as listed for mine with Index No. 411 (J. H. Burgess, Burgess mine).

<sup>9</sup> Shipping Point: Carbon Hill, Ala. Railroad: SL&SF. This mine shall have the same prices in size groups 1, 13, 20, 22 and 23 on all price tables as listed for mine with Index No. 128 (Dewey Myers, Myers mine).

<sup>10</sup> Shipping Point: Cordova, Ala. Railroads: Sou. and SL&SF. This mine shall have the same prices in size groups 1, 13 and 23 on all price tables as listed for mine with Index No. 1136 (Pratt-America Coal Company, Pratt No. 1 and 2 mine).

<sup>11</sup> Shipping Point: Natural Bridge, Ala. Railroad: Southern. This mine shall have the same prices in size groups 13, 19, 20, 22 and 23 on all price tables as listed for mine with Index No. 1192 (A. J. Brimer, Sahara #2 mine).

<sup>12</sup> Denotes new shipping point, railroad and Freight Origin Group. Shipping point at Glen Allen, Ala., on the SL&SF Railroad in Freight Origin Group 101 shall no longer be applicable.

## § 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply.

[For all mines in Subdistrict No. 1. For all sizes customarily furnished railroads for locomotive fuel]

Mine index No.	Central of Georgia <sup>1</sup> Railway <sup>1</sup>	St. Louis and San Francisco Railroad, for consignment west of the Mississippi River	St. Louis and San Francisco Railroad, for consignment east of the Mississippi River	All other railroads not specifically shown
130, 233, 665, 687, 1481, 1491, 1492, 1494, 1496, 1492	220	220	200	220

<sup>1</sup> Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

## § 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal for steamship vessel fuel—Supplement R-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions. Subdistrict No. 1]

Mine index No.	Size groups and prices applicable for steamship vessel fuel				
	Mine group				
130, 687, 1491	Black Creek	14, 15, 16, 17, 18	12	13	23
233-359	Cahaba	270		285	275
1492	Blue Creek	265	265	270	
1494	Carbon Hill Big Seam	245		260	

NOTE.—Mine Index 359 shall ship from Birmingham, Alabama, Team Tracks at 24th Street and Avenue "A," on the Southern Railway, in Freight Origin Group 32.



§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Sub-district	Scam	Lump: top size over 24" egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under bottom size over 1/2"		Chestnut: top size 3" and under bottom size 1 1/2" and under		Run of mine: modified R/M		Resultants: 3" and under		Screenings: 1 1/2" and under		*Industrial coal	
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw		
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
CULLMAN COUNTY																			
Asherbraner, Wesley	Old Parker #3	1486	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Hammond, Zellman	Old Parker #2	1485	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
JEFFERSON COUNTY																			
Aubrey Coal & Coke Co., Inc.	Weller	1492	2	Blue Creek	290	290	(†)	310	(†)	300	(†)	(†)	(†)	(†)	265	(†)	250	(†)	265
George, June	George #2	1501	2	Lower Nunnally	280	280	275	295	275	(†)	(†)	270	250	230	235	200	230	180	230
Gwin, J. W.	Shoal Creek	1494	2	Gwin	275	275	275	295	275	280	260	270	250	225	235	200	230	180	230
Letanosky, S. A.	Letanosky	1496	2	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
MARION COUNTY																			
Hurn, E. R.	Hurn	1,498	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	29
Tittle, Hollis	Black Diamond #3	1,476	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	29
SHELBY COUNTY																			
Johnson, J. C.	Johnson	1,475	2	Upper Dogwood	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
TUSCALOOSA COUNTY																			
Rose, George	Kufner	1,499	2	Bowers	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Watson, W. I.	Watson #2	1,500	2	Milldale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
WALKER COUNTY																			
Bradford, George	McArthur	1,502	2	Pratt-America	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Click, Joe	Henson #8	1,503	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Swindle, E. M.	Swindle	1,488	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
WINSTON COUNTY																			
Alsop, Wallace	Alsop	1,487	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

\*For sizes included see Size Group Table, § 333.42.

†Indicates no classification effective for these size groups.







## DISTRICT NO. 14 (RAIL)

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

## § 334.5 Alphabetical list of code members—Supplement R-I

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Pro-duction group No.	Shipping point	Rail-road	Freight origin group No.	Price classification by size groups																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Boyd Excelsior Operating Company	13	Boyd Excelsior	5	{Excelsior, Ark. Hackett, Ark.1	MV SL-SF	118																				
Excelsior Smokeless Coal Company, Inc.	33	Reeves #1	5	{Excelsior, Ark. Hackett, Ark.1	MV SL-SF	118																				
Noel Coal Co., E. H.	144	Sun	5	{Excelsior, Ark. Hackett, Ark.1	MV SL-SF	118																				
Quality Excelsior Coal Co.	89	Quality	5	{Excelsior, Ark. Hackett, Ark.1	MV SL-SF	118																				

\* Denotes additional shipping point and new Freight Origin Group. Freight Origin Group No. 15 shall no longer be applicable.

## § 334.6 General prices—Supplement R-II

Section 334.6 in the Schedule of Effective Minimum Prices of District No. 14 for All Shipments Except Truck shall be amended as follows:

When coal is trucked or hauled by wagon from mines with Mine Index Numbers 13, 33, 89 and 144 to the Excelsior Preparation Plant, Hackett, Arkansas, prices on these tables shall be increased by 15 cents per net ton when shipments are made from said plant via SL-SF Railway.

[F. R. Doc. 42-5015; Filed, May 29, 1942; 11:40 a. m.]

PART 339—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 19

[Docket No. A-1107, Part II]

## RELIEF GRANTED

Order granting permanent relief in part in the matter of the petition of District Board 19 for the establishment of price classifications and minimum prices for the coals, for all shipments, produced at the Gebo # 3 mine (Mine Index No. 225) and the Gebo #5 Mine (Mine Index No. 226) in District 19, and for the revision of the effective minimum prices for truck shipments of the coal produced at the Joslyn Mine (Mine Index No. 220) in that district.

A petition having been filed with the Bituminous Coal Division on October 13, 1941, by District Board 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting revisions in the effective minimum prices established for coals produced at the Joslyn Mine (Mine Index No. 220) of W. C. Joslyn and proposing price classifications and minimum prices for certain other coals of District

tion) is amended by adding thereto Supplement R-II, and § 339.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

## FOR ALL SHIPMENTS

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19 and supplements thereto.

The following price classifications and minimum prices shall be inserted in Price Schedule No. 1 for District No. 19:

## § 339.4 Code member price index—Supplement R-I

Insert the following listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Shipping point	Railroad	F. O. G. No.	Prices, page	
								Rail	Truck
Burnell, Pat (Burnell Coal)	#3	225	Hot Springs	5	Gebo	CB&Q	100	9	13
Burnell, Pat (Burnell Coal)	#5	226	Hot Springs	5	Gebo	CB&Q	100	9	13
Joslyn, W. C.	Joslyn	220	Campbell	8					15

19 not theretofore classified and priced; Temporary relief having been granted in part by Order of the Director dated November 4, 1941, 6 F. R. 5683.

Pursuant to an Order of the Director dated November 4, 1941, and after due notice to interested persons, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Thermopolis, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 339.4 (Code member price index) is amended by adding thereto Supplement R-I, § 339.5 (General prices; minimum prices for shipment via rail transportation

It is further ordered, That the prayers of the original petition are granted to the extent set forth above and in all other respects are denied.

Dated: May 22, 1942.

[SEAL]  
DAN H. WHEELER,  
Acting Director.



§ 339.5 *General prices; minimum prices for shipment via rail transportation—* Supplement R-II. The No. 3 and No. 5 mines of Pat Burnell shall take the minimum f. o. b. mine prices in cents per net ton for shipments by rail transportation into market areas shown under Subdistrict No. 5 in Price Schedule No. 1 for District No. 19.

§ 339.21 *General prices in cents per net ton for shipment into all market areas—* Supplement T. Insert the following code member names, mine names and counties under Subdistricts 5 and 8, and the following prices:

Code member mine name	County	Size groups																
		1	2	3	4	5	6	7	8	9	10	12	14	15	16	17		
SUBDISTRICT NO. 5																		
Burnell, Pat (Burnell Coal):																		
#3 Mine.....	Hot Springs.....	}500	500	495	485	485	485	460	350	270	245	290	----	170	170	100		
#5 Mine.....	Hot Springs.....																	
SUBDISTRICT NO. 8																		
Joslyn, W. C., Joslyn Mine.	Campbell.....	200	200	----	200	----	----	----	130	130	130	130	100	90	----	----		

[F. R. Doc. 42-5016; Filed, May 29, 1942; 11:41 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[Amendment 53, 2d Ed.]

#### PART 622—CLASSIFICATION

##### CLASSES I-A, I-B, IV-E, IV-E-LS—AMENDMENTS

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

#### 1. Amend § 622.11 to read as follows:

§ 622.11 *Class I-A: Available for general military service when found acceptable to the land or naval forces.* In Class I-A shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class I-C, Class IV-F (by reason of being morally unfit), Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H and who, upon classification after physical examination by the local board examining physician, has not been found to have any defect set forth in Part I or in Part II of the List of Defects (Form 220) and has not been placed in Class IV-F, Class IV-E-LS, Class IV-E, Class I-B-O, Class I-B, or Class I-A-O, and every such registrant shall be available for induction for general military service when found acceptable for such service by the land or naval forces.

\* \* \* \* \*

#### 2. Amend § 622.13 to read as follows:

§ 622.13 *Class I-B: Available for limited military service when found acceptable to the land or naval forces.* In Class I-B shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class I-C, Class IV-F (by reason of being morally

unfit), Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H and who, upon classification after physical examination by the local board examining physician, has not been placed in Class IV-F (by reason of having a defect set forth in Part I of the List of Defects (Form 220)), Class IV-E-LS, Class IV-E, or Class I-B-O, and who is found to have a defect set forth in Part II of the List of Defects (Form 220), and every such registrant shall be available for induction for limited military service when found acceptable for such service by the land or naval forces.

\* \* \* \* \*

#### 3. Amend § 622.51 to read as follows:

§ 622.51 *Class IV-E: Available for general service in civilian work of national importance; conscientious objector.* In Class IV-E shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class IV-F (by reason of being morally unfit), Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H and who, upon classification after physical examination by the local board examining physician, has not been found to have any defect set forth in Part I or in Part II of the List of Defects (Form 220) and who has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to both combatant and noncombatant military service, and every such registrant shall be available for general service in work of national importance under civilian direction when found to be acceptable for such service.

#### 4. Amend § 622.52 to read as follows:

§ 622.52 *Class IV-E-LS: Available for limited service in civilian work of national importance; conscientious objector.* In

Class IV-E-LS shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class IV-F (by reason of being morally unfit), Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H, and who, upon classification after physical examination by the local board examining physician, has not been placed in Class IV-F (by reason of having a defect set forth in Part I of the List of Defects (Form 220)) and who has been found to have one of the defects set forth in Part II of the List of Defects (Form 220), and who has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to both combatant and noncombatant military service, and every such registrant shall be available for limited service in work of national importance under civilian direction when found to be acceptable for such service.

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing herewith of the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

[F. R. Doc. 42-5037; Filed, May 29, 1942; 2:36 p. m.]

[Amendment 54, 2d Ed.]

#### PART 623—CLASSIFICATION PROCEDURE

##### MISCELLANEOUS AMENDMENTS

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

#### 1. Amend paragraph (c) of § 623.21 to read as follows:

§ 623.21 *Consideration of classes not requiring physical examination.* \* \* \*

(c) If the registrant is not classified in Class I-C as provided in (a) above and is not classified in Class IV-F by reason of being morally unfit as provided in paragraph (b) of this section, the remaining classes in which a registrant may be placed without investigating his physical or mental condition should then be considered in the order in which those classes are hereinafter set out, and the registrant should be classified in the first class in the sequence for which grounds are established:

Class IV-D.  
Class IV-C.  
Class IV-B.  
Class IV-A (not considered in time of war).  
Class III-B.  
Class III-A.  
Class II-B.  
Class II-A.  
Class I-H.

\* \* \* \* \*



2. Amend paragraph (a) of § 623.31 to read as follows:

§ 623.31 *Notice to registrant to appear for physical examination.* (a) If a registrant is not classified in Class I-C, Class IV-F by reason of being morally unfit, Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H, the local board, as soon as practicable after the determination of that fact, shall mail to him a Notice to Registrant to Appear for Physical Examination (Form 201). This notice shall fix the date, time, and place for the registrant to report for such physical examination, normally 5 days after the date of mailing of such notice.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

[F. R. Doc. 42-5038; Filed, May 29, 1942;  
2:36 p. m.]

[Amendment 55, 2d Ed.]

PART 627—APPEAL TO BOARD OF APPEAL  
CONSCIENTIOUS OBJECTORS

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 627.25 to read as follows:

§ 627.25 *Special provisions where appeal involves claim that registrant is a conscientious objector.* (a) If an appeal involves the question of whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the board of appeal shall first determine whether the registrant should be classified in Class I-C, Class IV-F, Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H, in the order listed, and if it so determines, it shall place such registrant in such class. If the board of appeal does not determine that such registrant belongs in one of such classes, it shall transmit the entire file to the United States district attorney for the judicial district in which the local board of the registrant is located for the purpose of securing an advisory recommendation of the Department of Justice. No registrant's file shall be forwarded to the United States district attorney by any board of appeal and any file so forwarded shall be returned, unless in the "Minutes of Other Actions" on the Selective Service Questionnaire (Form 40) the record shows and the letter of transmittal states that the board of appeal reviewed the file and determined that the registrant should not be classified in Class I-C, Class IV-F, Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B,

Class III-A, Class II-B, Class II-A, or Class I-H.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

[F. R. Doc. 42-5039; Filed, May 29, 1942;  
2:36 p. m.]

[Amendment 56, 2d Ed.]

PART 628—APPEAL TO THE PRESIDENT  
DEPENDENCY

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 628.2 to read as follows:

§ 628.2 *Appeals on grounds of dependency only.* (a) The registrant, any person who claims to be a dependent of the registrant, or the government appeal agent, at any time within 10 days after the mailing by the local board of the Notice of Classification (Form 57) or the Notice of Continuance of Classification (Form 58), may appeal, on the grounds of dependency only, to the President from the board of appeal classification of a registrant in either Class I-A, Class I-A-O, Class I-B, Class I-B-O, Class IV-E, or Class IV-E-LS, provided either (1) one or more members of the board of appeal dissented from the determination of that board or (2) the government appeal agent executes a certificate, in writing, as follows:

Great and unusual hardship will follow the induction of \_\_\_\_\_

(Name of registrant)

I therefore recommend that he be placed in Class III-A or Class III-B.

The government appeal agent shall not make any other statement or attach any other information to such certificate. An appeal to the President may not be taken from any other Classification of the registrant or on any other grounds by any of the persons mentioned in this section.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

[F. R. Doc. 42-5040; Filed, May 29, 1942;  
2:37 p. m.]

[No. 82]

REGISTRATION CARD

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the

provisions of § 605.51<sup>1</sup> of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 1, entitled "Registration Card," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>2</sup> This revision does not affect or discontinue the Registration Cards (Form 1) prescribed for the first, second, third, and fourth registrations.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,  
Director.

MAY 22, 1942.

[F. R. Doc. 42-5098; Filed, June 1, 1942;  
11:17 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Amendment 2 to War Production Board Regulation 1]

Section 903.0 *War Production Board Regulation No. 1*<sup>3</sup> is hereby amended by changing the preamble and paragraph (a) (1) to read as follows:

Pursuant to the authority vested in me by Executive Order 9024 of January 16, 1942,<sup>4</sup> Executive Order 9040 of January 24, 1942,<sup>5</sup> and Executive Order 9125 of April 7, 1942,<sup>6</sup> the following regulation is hereby issued:

§ 903.0 *War Production Board Regulation No. 1.* (a) (1) The Director of the Division of Industry Operations, who shall be known as the Director of Industry Operations, shall perform the functions and exercise the powers, authority and discretion conferred upon the President by section 2 (a) of the Act of June 29, 1940 as amended by the Act of May 31, 1941 and by the Second War Powers Act of March 27, 1942, including the power of the Chairman of the War Production Board under paragraph (e)<sup>7</sup> of § 903.1 *Directive No. 1*, to delegate to the Office of Price Administration additional powers with respect to the exercise of rationing control and to amend the delegation with respect thereto contained in said Directive No. 1. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; E.O. 9125, Apr. 7, 1942, 7 F.R. 2719; Sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess. as amended by Pub. Law 89, 77th Cong., 1st Sess., and Pub. Law 507, 77th Cong., 2d Sess.)

Issued this 29th day of May 1942.

DONALD M. NELSON,  
Chairman, War Production Board.

[F. R. Doc. 42-5067; Filed, May 30, 1942;  
12:00 m.]

<sup>1</sup> 6 F.R. 6834.

<sup>2</sup> Filed with the original document.

<sup>3</sup> 7 F.R. 561, 2126.

<sup>4</sup> 7 F.R. 329.

<sup>5</sup> 7 F.R. 524.

<sup>6</sup> 7 F.R. 2719.

<sup>7</sup> 7 F.R. 962.



Subchapter B—Division of Industry Operations  
**PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT**  
 [Amendment 2 of General Preference Order M-8-a]

Section 932.2 *General Preference Order M-8-a*<sup>1</sup> is hereby amended by striking therefrom all of paragraph (e) (2). (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
 Director of Industry Operations.

[F. R. Doc. 42-5057; Filed, May 30, 1942;  
 11:16 a. m.]

**PART 933—COPPER**

[Supplementary Conservation Order M-9-c-3  
 as Amended May 30, 1942]

Section 933.8 *Supplementary Conservation Order M-9-c-3*<sup>2</sup> is hereby amended so as to read as follows:

§ 933.8 *Supplementary Conservation Order M-9-c-3*—(a) *Curtailment of certain uses of bronze powder in manufacture.* From and after May 30, 1942, no person shall manufacture paste, ink or leaf with bronze powder unless the bronze powder used was on hand and ready for use by him in such manufacture on or before March 31, 1942. After December 15, 1942, no person shall manufacture paste, ink or leaf with bronze powder.

(b) *Curtailment of certain uses of bronze powder and bronze powder products in printing.* From and after May 30, 1942, no person shall use paste, ink or leaf manufactured with bronze powder or shall use bronze powder in relief, planographic or intaglio printing or in paper coating, stamping, dusting, or similar processes unless the person using such paste, ink, leaf or powder:

(1) Acquired it on or before March 31, 1942, or from and after May 30, 1942 but on or before December 15, 1942; and

(2) Does not know or have reason to believe it was manufactured in violation of the provisions of paragraph (a) hereof or of any other order of the War Production Board in existence at the time of such manufacture.

After December 31, 1942, no person shall use paste, ink or leaf manufactured with bronze powder or shall use bronze powder in relief, planographic or intaglio printing or in paper coating, stamping, dusting, or similar processes.

(c) *Restrictions on sale of bronze powder and bronze powder products.* From and after May 30, 1942, no person (other than a manufacturer of bronze powder) shall sell or deliver paste, ink or leaf

manufactured with bronze powder or shall sell or deliver bronze powder, except for use in relief, planographic or intaglio printing or in paper coating, stamping, dusting, or similar processes or for use in manufacturing decalcomanias. After December 15, 1942, no person shall make a sale or delivery of paste, ink or leaf manufactured with bronze powder or of bronze powder.

The sale of bronze powder by a Manufacturer of bronze powder is governed by the provisions of Conservation Order M-9-c.

(d) *Curtailment of certain other uses of bronze powder.* From and after May 30, 1942, no person shall manufacture paint (except ship bottom paint) and other coatings (except decalcomanias) with bronze powder unless the bronze powder used was on hand and ready for use in such manufacture on or before March 31, 1942. After December 15, 1942, no person shall manufacture paint (except ship bottom paint) and other coatings (except decalcomanias) with bronze powder.

The manufacture of ship bottom paint with bronze and copper powder and the use of such paint in the manufacture of ships is regulated by Copper Conservation Order M-9-c, as is the manufacture and use of decalcomanias made with bronze powder or products of bronze powder.

(e) *Curtailment of certain other uses of bronze powder products.* From and after May 30, 1942, no person shall use paint (except ship bottom paint) or other coatings (except decalcomanias) made with bronze powder in the manufacture of any article unless the person using the paint or other coating does not know or have reason to believe such paint or other coating was manufactured in violation of the provisions of paragraph (d) hereof or any other Order of the War Production Board in existence at the time of such manufacture. After December 31, 1942, no person shall use paint (except ship bottom paint) or other coatings (except decalcomanias) made with bronze powder, in such manufacture.

(f) *Exemption as to certain other uses of bronze powder products.* The use in manufacture of any article made pursuant to paragraph (b) hereof, and the use of paint (except ship bottom paint) and other coatings (except decalcomanias) made with bronze powder by or for the owner of the paint or other coating on his premises or to refinish a used article on or off the premises of the owner of the article, is exempted from the restrictions of this order.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all appeals and communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Reference M-9-c-3.

(h) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States, is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such Person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would impair war work, may appeal by letter to the War Production Board, Washington, D. C., Reference M-9-c-3, setting forth the pertinent facts and the reasons why he deems that obedience to the terms of this order will interfere with war work.

(j) *Effect on Order M-9-c.* From and after May 30, 1942, this order shall govern to the exclusion of Conservation Order M-9-c:

(i) The manufacture of paste, ink, leaf, paint (except ship bottom paint) and other coatings (except decalcomanias) with bronze powder;

(ii) The sale and delivery of paste, ink and leaf made with bronze powder and the sale and delivery of bronze powder by any person other than a manufacturer of bronze powder;

(iii) The use of paste, ink and leaf manufactured with bronze powder and the use of bronze powder in the printing and publishing industry and the use in manufacture of paint (except ship bottom paint) and other coatings (except decalcomanias) manufactured with bronze powder; and

(iv) The use in manufacture of any article made pursuant to paragraph (b) hereof and the use of paint (except ship bottom paint) and other coatings (except decalcomanias) made with bronze powder in accordance with paragraph (f) hereof.

(k) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply whether or not the manufacture, sale, delivery or use regulated by this Order is pursuant to a contract made prior or subsequent to May 30, 1942, or whether or not such manufacture, sale, delivery or use is pursuant to a contract supported by a preference rating.

(l) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
 Director of Industry Operations.

[F. R. Doc. 42-5054; Filed, May 30, 1942;  
 12:00 m.]

<sup>1</sup> 6 F.R. 5007, 5290; 7 F.R. 2344.

<sup>2</sup> M-9-c appears at 7 F.R. 3424, 3630, 3745.



## Subchapter B—Division of Industry Operations

## PART 933—COPPER

[Amendment to Supplementary Conservation Order M-9-c-3 as Amended May 30, 1942<sup>1</sup>]

Section 933.8 *Supplementary Conservation Order M-9-c-3* is hereby amended by amending the last sentence of paragraph (c) to read as follows:

"The sale of bronze powder by a Manufacturer of bronze powder is prohibited." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5101; Filed, June 1, 1942;  
11:54 a. m.]

## PART 961—CALCIUM-SILICON

[Amendment 1 to General Preference Order M-20-a<sup>2</sup>]

Paragraph (g) of § 961.2 is hereby amended to read as follows:

(g) *Effective dates.* This order shall take effect immediately upon its issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5055; Filed, May 30, 1942;  
11:19 a. m.]

## PART 1110—GOOSE AND DUCK FEATHERS

[Amendment 2 to Conservation Order M-102<sup>3</sup>]

Subparagraph (ii) of paragraph (b) (2) of Conservation Order M-102<sup>3</sup> (§ 1110.1) is hereby amended by striking therefrom the word, "three," and inserting in lieu thereof the word, "four." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5056; Filed, May 30, 1942;  
11:19 a. m.]

<sup>1</sup> *Supra.*

<sup>2</sup> 6 F.R. 6144.

<sup>3</sup> 7 F.R. 1495, 3929

## PART 1128—CLOSURES FOR GLASS CONTAINERS

[Conservation Order M-104, as amended May 30, 1942]

1. The designation of Part 1128 (formerly "Tinplate and Terneplate Closures for Glass Containers") is hereby amended to read "Closures for Glass Containers."

2. Section 1128.1 *Conservation Order M-104* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Glass Container Closures for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1128.1 *Conservation Order M-104—(a) Definitions.* (1) "Person" means any individual, partnership, association, public trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Glass container" means any bottle, jar, or tumbler which is intended for packing, packaging, or putting up products of any kind and which is made of glass, but does not include any closure therefor.

(3) "Closure" means any sealing or covering device affixed to a glass container in order to retain the contents within the container.

(4) "Two-piece home canning closure" means a closure consisting of two separable pieces, one of which is a disc made of tinplate, glass, porcelain, or crockery, and the other of which is a metal screw band usually threaded, but not in contact with the contents of the glass container, and serving to hold the disc in place. "Metal screw band" includes both a band with its center portion or a part thereof cut out, and the band whose center portion or part thereof is not cut out.

(5) "Cover cap" means a secondary closure made of tinplate, terneplate, or blackplate, which fits over the primary seal or closure of a glass container, and which is illustrated by but not limited to the slip cap or secondary closure sometimes used to pack tomato catsup and chile sauce, or to cover jelly glasses filled in the home and given a primary seal of paraffin.

(6) "Tinplate" means blackplate coated on one or both sides with tin, and includes "waste waste" or scrap arising out of the manufacture of tinplate, but does not include used tinplate, waste or scrap tinplate arising out of the manufacture of closures or cans, used tinplate closures, or tinplate reclaimed from used tinplate cans.

(7) "Terneplate" means blackplate coated on one or both sides with a lead-tin alloy and includes "waste waste" or scrap arising out of the manufacture of terneplate, but does not include used terneplate, waste or scrap terneplate arising out of the manufacture of clo-

sures or cans, used terneplate closures, or terneplate reclaimed from used terneplate cans.

(8) "Blackplate" means any sheet steel plate suitable for manufacture into a closure for a glass container, but does not include used blackplate, waste or scrap blackplate, or used blackplate closures.

(9) "Malt beverages" means beer, ale, stout, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted barley with or without other food products, and with hops or hop extracts.

(10) "Non-alcoholic beverages" means bottled drinks of the type usually prepared by the soft-drink industry, being carbonated and non-carbonated drinks and waters, including but not limited to bottled chocolate sodas and sterilized milk drinks: *Provided*, That the term does not include (i) drinks consisting of fruit juices, vegetable juices, and combinations thereof, where at least 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; (ii) sweet syrups including only cane, maple, molasses, corn and sorghum syrups; (iii) citrate of magnesia and pectin products.

(b) *Restrictions on manufacture, sale, and delivery of closures—(1) General restrictions.* No person shall use any tinplate, terneplate, or blackplate for the manufacture of closures to be affixed to glass containers for any purpose prohibited by this order or any order supplementary hereto. No person shall sell or deliver any glass container closures, other than closures for malt beverages and non-alcoholic beverages, to any person except under purchase orders or contracts validated by delivery to such person of a purchaser's certificate, manually signed by an authorized official, in substantially the form attached hereto as Exhibit "A"; and no person shall sell or deliver any closures for malt beverages or non-alcoholic beverages to any person except under purchase orders or contracts validated by delivery to such person of a purchaser's certificate, manually signed by an authorized official, on Form PD-519.

(2) *Closures for malt beverages or non-alcoholic beverages.* No person shall use any tinplate or terneplate for the manufacture of closures for malt beverages or non-alcoholic beverages: *Provided*, That this prohibition shall not prevent the completion, sale, and delivery of such closures made of tinplate or terneplate which were completely manufactured or in process of manufacture on or before the effective date of this order and which cannot be used for products other than malt beverages and non-alcoholic beverages by reason of private lithographic design or other special construction. During any calendar month, beginning June 1, 1942, no person shall use any blackplate for the manufacture of closures for malt beverages or non-alcoholic beverages in excess of 60 percent of the tonnage of tinplate, terneplate, and blackplate which he used in



the corresponding month of 1941 for the manufacture of such closures for glass containers and for cap-sealed cans.

(3) *Closures for wine or distilled spirits.* No person shall use any tinplate or terneplate for the manufacture of closures for wine or distilled spirits. Until August 1, 1942, no person shall use any blackplate for the manufacture of closures for wine or distilled spirits, except to the extent required after exhausting inventories of closures on hand to fill purchase orders permitted under paragraph (c) (5) of this order. Beginning August 1, 1942, no person shall use any blackplate for the manufacture of such closures: *Provided*, That this prohibition shall not prevent the completion, sale, and delivery of such closures made of tinplate, terneplate, or blackplate which were completely manufactured or in process of manufacture on or before May 30, 1942 and which cannot be used for products other than wine or distilled spirits, by reason of private lithographic design or other special construction.

(4) *Cover caps and metal screw bands.* No person shall use any tinplate or terneplate for the manufacture of cover caps, or metal screw bands for two-piece home canning closures.

(5) *Animal foods.* No person shall use any tin plate, terneplate, or blackplate for the manufacture of closures to be affixed to glass containers for any kind of food not intended for human consumption.

(6) *Double shell or semi-double shell caps.* No person shall use any tinplate, terneplate, or blackplate for the manufacture of any double shell or semi-double shell caps, unless one shell thereof is made from waste or scrap material referred to in paragraphs (a) (6), (a) (7), or (a) (8) and expressly excepted from the terms therein defined.

(c) *Restrictions on purchase, acceptance of delivery, and use of closures—*(1) *Closures made of tinplate.* No person shall use any glass container closures made of tinplate to pack any of the following products:

Alcohol; rubber cement of solvent type; acetone; amyl acetate; carbon bisulfide; triethanolamine; sodium silicate; benzol, including but not limited to naphtha; dyes (paste or liquid); fire extinguisher fluid; graphite; liquid glues and pastes; glycerine; polish; waxes (emulsion type); and paints, including but not limited to shellac, varnish, lacquer, enamel, turpentine, linseed oil, and paint thinners.

The foregoing prohibition shall not apply to the use of glass container closures for packing any of the following products where chemical purity is required:

Alcohol; acetone; amyl acetate; carbon bisulfide; turpentine; and glycerine; or closures to be used on glass containers for paste and liquid dyes for certified food colors.

(2) *Closures made of tinplate or terneplate.* No person shall use any glass container closures made of tinplate or terneplate to pack any of the following products:

Coffee; tea and teaballs; dry spices (except those containing salt, onion salt or garlic); candy; butter; peanut butter, lard, shortening, and edible oils; baking powders; to-

bacco and tobacco products, including cigars and cigarettes, smoking and chewing tobacco, and snuff; cements, including linoleum, radiator, shoe, and belting cements; radiator anti-rust compounds, carbon removers, and knee-action or brake fluids; lighter fluids; oleic acid; dry cleaners and dry cleaning fluids; dry solvents; insecticides and agricultural disinfectants; printing, duplicating, and lithographing ink; lubricating oil and cutting oil; medicinal oils, ointments, and petroleum jelly; graphite (where no water is present); and paste type waxes.

(3) *Closures made of tinplate, terneplate, or blackplate for malt beverages or non-alcoholic beverages.* During any calendar month, beginning June 1, 1942, no person shall use any closures made of tinplate, terneplate, or blackplate, to be affixed to glass containers for malt beverages or non-alcoholic beverages, in excess of 60 percent of the tonnage of such glass container closures made of tinplate, terneplate, or blackplate which he used for such purposes during the corresponding month of 1941: *Provided*, That such person shall be allowed to use an additional tonnage of such closures, equal to 60 percent of the tonnage of such closures made from 90 pound per base box blackplate which he would have used for packing in glass containers of equivalent capacity the malt beverages which he packed during the corresponding month in 1941 in flat-top cans and cap-sealed cans made of tinplate, terneplate, or blackplate. To the extent that a person uses lighter weight closures than he did in 1941, the number of closures which he may use is increased, since the quota shall be calculated upon the basis of the total weight of blackplate to be used. For the purpose of calculating the tonnage of finished closures in the possession of the user on or before June 1, 1942, all such closures may be considered as having been made from 90 pound per base box blackplate.

No person shall purchase or accept delivery of closures made of tinplate, terneplate, or blackplate to be affixed to glass containers for malt beverages or non-alcoholic beverages, when the effect of such purchase or delivery will be to increase his inventory of such closures beyond 20 percent of the number of such closures for glass containers, which he used during the calendar year 1941, plus 20 percent of the number of such closures he would have used for packing in glass containers of equivalent capacity the malt beverages which he packed during the calendar year 1941 in flat-top cans and cap-sealed cans made of tinplate, terneplate, or blackplate.

(4) *Closures for waters.* No closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated, natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.

(5) *Closures for wine or distilled spirits.* Until August 1, 1942, no person shall purchase or accept delivery of any closures made of tinplate, terneplate, or blackplate to be affixed to glass containers for wine or distilled spirits when the effect of such purchase or delivery will be to increase his inventory of such closures

made of tinplate, terneplate, or blackplate beyond a quantity equal to the tonnage of such closures which he used during the months of May, June, and July, 1941. Beginning August 1, 1942, no person shall purchase or accept delivery of such closures except those which were completely manufactured or in process of manufacture on or before the effective date of this order and which cannot be used for products other than wine or distilled spirits by reason of private lithographic design or other special construction.

(d) *Exceptions—*(1) *Closures for malt beverages or non-alcoholic beverages.* The quota restrictions specified in paragraph (c) (3) relating to the use of closures for malt beverages or non-alcoholic beverages shall not apply to closures which are used for the sale and delivery of malt beverages or non-alcoholic beverages to or for any of the following persons or agencies:

(i) To any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act) to the Army or Navy of the United States or such other governmental agency as the Director of Industry Operations may designate.

(ii) To any person, for retail sale through concessions at restaurants at Army or Navy camps or through outlets not operated for private profit and established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels, including posts exchanges, sales commissaries, officers' messes, servicemen's clubs and stores.

(iii) The American Red Cross or the United Service Organizations.

(2) *Certain closures on hand or in process of manufacture.* In respect of closures for glass containers other than for malt beverages, non-alcoholic beverages, wine, and distilled spirits, nothing in this order shall be construed to prevent the completion of closures made of tinplate, terneplate, or blackplate which was already lacquered, varnished, or lithographed on or before April 3, 1942, or to prevent the sale, delivery, and use of such closures so manufactured, or the sale, delivery, and use of completely manufactured closures in inventory on such date; provided that such closures cannot be used for purposes permitted by this order, by reason of private lithographic design or other special construction.

(e) *Miscellaneous provisions—*(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount



of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work, may appeal to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-104.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

#### EXHIBIT "A"

##### Endorsement

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104 (as heretofore amended) and that, during the life of such Order, he will not use any Closures purchased from the seller pursuant to this or future contracts or orders, in violation of the terms of such Order.

Dated \_\_\_\_\_

By \_\_\_\_\_

[F. R. Doc. 42-5061; Filed, May 30, 1942;  
11:20 a. m.]

#### PART 1144—GOATSKINS, KIDSKINS AND CABRETTAS

[Amendment 2 to Conservation Order M-114]

Section 1144.1 *General Conservation Order M-114*<sup>1</sup> is hereby amended in the following respect:

Subparagraph (c) (1) is amended to read as follows:

(1) Unless specifically authorized by the Director of Industry Operations, no person shall put in process during the months listed below for the aggregate of defense and non-defense use a sum total of raw goatskins, raw kidskins and raw cabrettas equal to more than the per-

centages shown below of his basic monthly wettings:

Year 1942:	Percentage of basic monthly wetting
April.....	80
May.....	70
June and July.....	<sup>1</sup> 140

<sup>1</sup> Total for both months.

*Provided, however,* That the foregoing limitation shall not affect the requirements of § 944.2 of Priorities Regulation No. 1 for compulsory filling and acceptance of defense orders and other orders bearing preference ratings. Any person with whom such orders are placed shall accept and fill the same regardless of the foregoing limitation but, unless specifically authorized by the Director of Industry Operations, shall not after receiving such orders put in process in the respective monthly or bi-monthly period any raw goatskins, raw kidskins and raw cabrettas for orders other than defense orders or other rated orders, if his total for all orders exceeds said limitation. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5060; Filed, May 30, 1942;  
11:19 a. m.]

#### PART 1211—WOOD CASED PENCILS

[Amendment 2 to General Limitation Order L-113]

Section 1211.1 *General Limitation Order L-113*<sup>1</sup> is hereby amended in the following particulars:

Paragraph (a) (6) is hereby amended by inserting the word "insoluble" after the words "means any".

Paragraph (b) (4) is hereby amended by striking therefrom the following words:

"On and after the effective date of this order" and substituting instead the following words:

"On and after July 1, 1942"

Paragraph (b) is hereby amended by adding at the end thereof the following new subparagraph:

(6) On and after the 30th day of May 1942, no manufacturer shall procure or acquire from any source whatsoever any pigment to be used in the production of Pencils, whether or not contained in a finishing material, other than black, lamp black, boneblack, white, domestic earth colors, and ultramarine blue.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125,

<sup>1</sup> 7 F.R. 3322, 3663.

7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5059; Filed, May 30, 1942;  
11:16 a. m.]

#### PART 1249—DRUM EXTERIOR COATING

[Conservation Order M-158]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of drum coatings for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1249.1 *Conservation Order M-158—*  
(a) *Definitions.* For the purpose of this order:

(1) "Drum" means any sheet steel cylindrical or bilged shipping container with or without bails, including kits and pails, which has a capacity of two gallons or more and is provided with a fixed or removable head or cover.

(2) "Coating" means any protective coating, lacquer, varnish, enamel, ink or lithographing material, clear, white, pigmented or colored, in which an organic vehicle or binder is employed (including but not limited to Class A coatings).

(3) "Class A coating" means a coating containing any or all of the following: Tung, oiticica, perilla or dehydrated castor oils; alkyd, phenolic, vinyl, urea or melamine resins; or cellulose esters or ethers.

(b) *Restrictions on drum exterior coatings.* (1) On and after June 20, 1942, no person shall apply a Class A coating to the exterior surfaces of any drum, or manufacture any drum with a Class A coating on its exterior surfaces, except:

(i) Where the drum is required for offshore or export shipment by such person or where the person coating the drum is furnished with a written statement by the person on whose order the drum is coated that the drum is required for offshore or export shipment, provided that the exception contained in this subparagraph (b) (1) (i) shall not apply to Class A coatings containing tung or oiticica oil; or

(ii) Where a Class A coating is required to be applied to the drum by any contract or subcontract for the United States Army, Navy, Coast Guard or Maritime Commission.

(2) On and after June 20, 1942, no person shall apply other than a black coating to the exterior surfaces of any drum, or manufacture any drum with other than a black coating upon its exterior surfaces, except that:

(i) A white or gray coating may be applied upon one head only of any drum

<sup>1</sup> 7 F.R. 2506, 3234.



where required as a visible background for lettering, numbers or symbols (which may be of any color); or

(ii) A coating of any color may be applied to any surface of any drum which is required to be so colored by any domestic or foreign governmental or underwriters regulation, specification or requirement, including requirements of governmental agencies.

(c) *Restriction on deliveries of coatings.* On and after June 7, 1942, no person shall accept delivery of Class A exterior drum coatings or of colored (other than black, white or gray) exterior drum coatings unless such delivery is accepted by such person for the purpose of applying a Class A or colored coating to a drum within the conditions set forth in subparagraphs (b) (1) (i) or (ii) or (b) (2) (ii) hereof.

(d) *Miscellaneous provisions—(1) Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of material under priority control or from processing or using such material and may be deprived of priorities assistance.

(3) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of drum coatings conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C. Ref.: M-158, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-158. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-5052; Filed, May 30, 1942; 11:16 a. m.]

## PART 1256—PLATINUM

[General Conservation Order M-162]

The fulfillment of requirements for the defense of the United States has made it necessary that any possible shortage in the supply of Platinum and Platinum Alloys for defense, for private account and for export be avoided; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1256.1 *General Conservation Order No. M-162—(a) Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Additional definitions.* As used in this order:

(1) "Platinum or platinum alloys" means the metal platinum, platinum salts and compounds, or any alloy or mixture of metals containing more than one per cent platinum by weight, in any form including sponge, bar, sheet, wire, scrap, partially fabricated or completely fabricated parts or equipment of any sort, crude ores, residues, and matte.

(2) "Jewelry" means polished, engraved, set with stones, or otherwise completed jewelry, including rings.

(3) "Consumer" means a person who uses platinum or platinum alloys for purposes other than resale or investment.

(4) "Processor" means a person who manufactures products made in whole or in part of platinum or platinum alloys.

(5) "Dealer" means a person who makes a regular business at an established address in continental United States of buying and selling platinum or platinum alloys.

(6) "Distributor" means a person who makes a regular business at an established address in continental United States of acting as buying or selling agent for dealers or processors of platinum or platinum alloys.

(7) "Refiner" means a person regularly engaged in the business of refining and separating platinum group metals.

(c) *Restrictions on sale, purchase, and delivery.* After the effective date of this order, no person shall sell, transfer, or otherwise deliver platinum or platinum alloys, except to a person known by the seller or transferor to be a refiner, a dealer, a distributor, a processor, or a consumer of platinum or platinum alloys. No person, after the effective date of this order, shall purchase or accept delivery of platinum or platinum alloys unless he is a refiner, a dealer, a distributor, a processor, or a consumer of platinum or platinum alloys.

(d) *Reports of stocks and inventories.* Every person who, on the 31st day of May, 1942, or on the last day of any month thereafter, has title to, or possession or control of, one (1) or more troy ounces of platinum or platinum alloys, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, shall, on or before the close of business on the 15th day of the succeed-

ing month, report to the War Production Board, on Form PD-512, the quantity and description of platinum or platinum alloys owned by him, or in his possession or control, the business in which he is engaged, and such other information as may be required.

(e) *Reports of sales or transfers.* After the effective date of this order, every person who sells, transfers, or otherwise disposes of platinum or platinum alloys to the extent of one (1) or more troy ounces, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, during any calendar month, shall, on or before the close of business on the 15th day of the succeeding month, report to the War Production Board, on Form PD-513, the quantity and description of platinum or platinum alloys sold or otherwise transferred during the month, the names, addresses, and businesses of all persons to whom he sold, transferred or otherwise disposed of platinum or platinum alloys, and such other information as may be required.

(f) *Reports of purchases or receipts.* After the effective date of this order, every person who purchases, acquires possession of or title to, or otherwise gains possession or control of any platinum or platinum alloys, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, during any calendar month, shall, on or before the close of business on the 15th day of the succeeding month, report to the War Production Board, on Form PD-514, the quantity and description of platinum or platinum alloys received into his possession or control, or otherwise acquired, the names, addresses, and businesses of the persons from whom he received the platinum or platinum alloys, his own name, address, and business, and such other information as may be required.

(g) *Other reports.* Every person affected by this order shall file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in duplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed be addressed to: War Production Board, Washington, D. C. Ref: M-162.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order,



wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

#### SCHEDULE A

Dental Alloys and Appliances, including, but not limited to, castings, pins, and foil.

Electrical Equipment and Parts.

Fuse Wire for use in detonators or in temperature limiting fuses.

Glass Furnace Parts.

Industrial Equipment and Parts.

Jewelry, except scrap or uncompleted forms thereof.

Laboratory Equipment.

Platinum Metal Catalysts.

Rayon Spinnerets.

Thermocouples or Resistance Thermometers.

[F. R. Doc. 42-5058; Filed, May 30, 1942; 11:17 a. m.]

#### PART 1257—CUTLERY

[General Limitation Order L-140]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals used in the production of Cutlery for defense, for private account, and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1257.1 *General Limitation Order L-140—(a) Definitions.* For the purposes of this order:

(1) "Class I cutlery" means any knife, fork, spoon, saw, steel, cleaver, or other hand-operated cutlery designed or intended for food processing industries, including, but not limited to, plants for packing, canning, dehydrating, or otherwise preserving meats, vegetables, or other foods.

(2) "Class II cutlery" means any cleaver, knife, fork, spoon, spatula, saw, steel, or other hand-operated cutlery designed or intended for preparation of food in public places, including, but not limited to, butcher shops, grocery stores, hotels, restaurants, and other public eating places, or in the kitchens of private homes; any folding blade knife other than folding blade knives defined as Class IV cutlery, any trimmers or shears having one ring of size sufficient to accommodate two or more fingers of a person and a second ring which is smaller.

(3) "Class III cutlery" means any knife, fork, spoon, spatula, steel or other table cutlery, including silver-plated

flatware, designed or intended for serving or eating food other than carving sets defined as Class IV cutlery; any scissors, including finger-nail scissors, having two rings each of size sufficient to accommodate not more than one finger or thumb of a person in each ring, but excluding scissors designed or intended for surgical purposes.

(4) "Class IV cutlery" means any carving set designed or intended for serving food at table, including carving knives, forks, and steels; any knife designed or intended as a novelty or charm; any folding blade knife, the handle of which is of genuine mother-of-pearl or metal; any implement designed or intended for manicuring, pedicuring, or extracting blackheads, including, but not limited to, nail files, nail nippers, pushers, and picks, and cuticle nippers, cuticle scissors, and cuticle knives, but excluding finger-nail scissors; any tweezers except tweezers designed or intended for surgical or industrial purposes; any poultry shears; any hunting knife other than folding blade hunting knives; any folding blade knife, the handle of which, at the narrowest place, is  $\frac{3}{8}$  of an inch or less in thickness having blades folding from both ends; any folding blade knife having blade or blades folding from one end only, which is  $\frac{3}{8}$  inches or less in length when blades are folded; and any Class I, II, or III cutlery designed or intended for distribution free or at a nominal consideration in connection with advertising or similar use.

(5) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, in the business of fabricating or assembling any Class I, II, III, or IV cutlery.

(6) "Use" means to put any metal into production for the first time. (When a person is limited to a percentage of the metal used in the base period, this limitation applies to the aggregate weight of such metal when first put into production by that person, whether in the form of raw metal or purchased parts.)

(7) "Base period" means the period beginning July 1, 1940, and ending June 30, 1941, inclusive.

(b) *General restrictions.* Except to fill direct orders for the Army, Navy, or Maritime Commission of the United States;

(1) During the period from the date of issuance of this order to and including the last day of the first calendar month subsequent thereto, the average daily aggregate use of metals by any person in Class IV cutlery shall not exceed his average daily aggregate use of metals in Class IV cutlery during the base period.

(2) During the period from the date of issuance of this order to and including the last day of the calendar month in which this order is issued, the average daily aggregate use of metals by any person in Class I, II, and III cutlery shall not exceed his average daily aggregate use of metals in Class I, II, and III cutlery during the base period.

(3) From the last day of the first calendar month subsequent to the date of issuance of this order, no person shall use in any Class IV cutlery any metal other than gold or silver.

(4) From the last day of the first calendar month subsequent to the date of issuance of this order, no person shall use in any class I, II, or III cutlery any "alloy iron" or "alloy steel" as defined in Supplementary Order M-21-a and such amendments thereto as may be made from time to time, or any metal other than iron, steel, gold, or silver.

(5) During the period of three calendar months beginning with the first calendar month following the date of issuance of this order, or during any succeeding period of three calendar months, no person shall use in any Class III cutlery more iron and steel in the aggregate than 35% of the average quarterly amount of iron, steel, and other metals in the aggregate used by such person in Class III cutlery during the base period.

(6) During the period of three calendar months beginning with the first calendar month following the date of issuance of this order, or during any succeeding period of three calendar months, no person shall use in any Class II cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron and steel and other metals in the aggregate used by such person in Class II cutlery during the base period.

(7) During the period of three calendar months beginning with the first calendar month following the date of issuance of this order or during any succeeding period of three calendar months, no person shall use in any Class I cutlery more iron and steel in the aggregate than 100% of the average quarterly amount of iron, steel, and other metals in the aggregate used by such person in Class I cutlery during the base period.

(8) Any person may use in the production of Class I, II, or III cutlery any part of his quota of iron and steel for Class IV cutlery; in the production of Class I or Class II cutlery any part of his quota of iron and steel for Class III cutlery; and in the production of Class I cutlery any part of his quota of iron and steel for Class II cutlery.

(9) Nothing in this order shall limit the production of sterling silver flatware.

(c) *Avoidance of excessive inventories.* No person shall accumulate for use in Class I, II, III, and IV cutlery inventories of raw materials or fabricated or semi-fabricated parts in quantities in excess of the minimum amount necessary for use at the rates permitted by paragraph (b).

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this order shall execute and file with the



War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Appeal.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref.: L-140," setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-140.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Applicability of other orders.* Insofar as Supplementary Order M-21-d or any order issued heretofore or to be issued hereafter limits the use of any material in Class I, II, III, or IV cutlery to a greater extent than the limits imposed by this order, the restrictions in such other orders shall govern unless otherwise specified therein.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5068; Filed, May 30, 1942;  
12:00 m.]

# PART 1263—BY-PRODUCT AMMONIA AND SULPHATE OF AMMONIA

[General Preference Order M-163]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of by-product ammonia and sulphate of ammonia for

defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1263.1 *General Preference Order M-163—(a) Definitions.* (1) "By-product ammonia" means any ammonia obtained from the distillation of organic materials and all salts produced therefrom, and includes all solutions of by-product ammonia in water, as well as anhydrous ammonia produced from such solutions.

(2) "Sulphate of ammonia" means the commercial material of that name, whether obtained as a by-product or otherwise, containing 20.5% nitrogen or less, but does not include mixtures of sulphate of ammonia with other fertilizer materials.

(3) "Producer" means any person engaged in the production of by-product ammonia or sulphate of ammonia and includes any person who has by-product ammonia or sulphate of ammonia produced for him pursuant to toll agreement.

(4) "Distributor" means any person who, for his own account or as agent or broker for any producer, sells by-product ammonia or sulphate of ammonia in any form. The term does not include any fertilizer manufacturer nor any agent of any fertilizer manufacturer, nor any person who purchases for sale at retail.

(5) "Fertilizer manufacturer" means any manufacturer of superphosphate or any person who purchases fertilizer materials for the purpose of manufacturing and selling commercial mixed fertilizers containing nitrogen, phosphorus and potassium or any or all of them in any proportions.

(b) *Restrictions on deliveries.* (1) On and after June 1, 1942, no producer or distributor shall make delivery of by-product ammonia or sulphate of ammonia to any person unless and until he shall have been authorized or directed to do so by the Director of Industry Operations. During June, 1942 and prior to the beginning of each calendar month beginning with July, 1942 the Director of Industry Operations will issue to all producers and distributors specific authorizations or directions covering deliveries of by-product ammonia and sulphate of ammonia which may or must be made by such producers or distributors during such month. Such authorizations or directions shall be based primarily upon insuring the satisfaction of all defense requirements and, insofar as possible, providing an adequate supply for essential civilian uses. Each producer and distributor of by-product ammonia or sulphate of ammonia, upon being informed by the Director of Industry Operations of the deliveries which such Director has authorized, shall forthwith notify his customers of the extent of such authorization as the same may affect them.

(2) If prior to the first day of any month beginning with July, 1942 any producer or distributor shall not have received from the Director of Industry Operations authorizations or directions covering deliveries of by-product am-

monia or sulphate of ammonia to be made by him during such month, such producer or distributor may make deliveries of by-product ammonia or sulphate of ammonia during such month in accordance with, and only in accordance with, the schedules of deliveries for such month filed with War Production Board pursuant to paragraph (c) hereof: *Provided, however,* That at any time during such month the Director of Industry Operations may issue directions with respect to future deliveries to be made in such month.

(3) In the event that any producer or distributor, after receiving notice from the Director of Industry Operations with respect to a delivery of by-product ammonia or sulphate of ammonia which he is authorized to make during any month, shall be unable to make such delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorization from the Director of Industry Operations resell or otherwise dispose of the by-product ammonia or sulphate of ammonia which he is unable to deliver as aforesaid.

(c) *Scheduling of deliveries.* Each producer or distributor of by-product ammonia or sulphate of ammonia, on or before the 10th day of June, 1942 and the 10th day of each month thereafter, shall file with the Chemicals Branch of the War Production Board, Washington, D. C., Form PD-237 (in triplicate), properly executed, which shall list among other things a schedule of deliveries of by-product ammonia or sulphate of ammonia which such producer or distributor proposes to make in the succeeding month. After such form has been filed with such Chemicals Branch, any changes of circumstances or matters occurring thereafter pertaining to said Form PD-237 shall forthwith be reported to such Chemicals Branch.

(d) *Reports.* Each fertilizer manufacturer shall on or before July 1, 1942 file with the Chemicals Branch of the War Production Board, Form PD-503, properly executed, but the filing of said Form PD-503 pursuant to General Preference Orders M-164 or M-165 shall be a sufficient compliance with the requirement of this sentence. In addition, all persons affected by this Order shall file such other reports as may from time to time be directed by the Director of Industry Operations.

(e) *Miscellaneous provisions—(1) Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this



order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(4) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-163.

(6) *Violations or false statements.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5062; Filed, May 30, 1942;  
11:17 a. m.]

#### PART 1264—SYNTHETIC AMMONIA

[General Preference Order M-164]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of synthetic ammonia for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1264.1 *General Preference Order M-164—(a) Definitions.* (1) "Synthetic ammonia" means ammonia, either anhydrous or in solution, made by the "nitrogen-fixation process", and any compounds or solutions of compounds made from synthetic ammonia.

(2) "Producer" means any person engaged in the production of synthetic ammonia and includes any person who has synthetic ammonia produced for him pursuant to toll agreement.

(3) "Distributor" means any person who, for his own account or as agent or broker for any producer, sells synthetic ammonia in any form. The term does not include any fertilizer manufacturer

nor any agent of any fertilizer manufacturer, nor any person who purchases for sale at retail.

(4) "Fertilizer manufacturer" means any manufacturer of superphosphate or any person who purchases fertilizer materials for the purpose of manufacturing and selling commercial mixed fertilizers containing nitrogen, phosphorus and potassium or any or all of them in any proportions.

(b) *Restrictions on deliveries.* (1) On and after June 1, 1942, no producer or distributor shall make delivery of synthetic ammonia to any person unless and until he shall have been authorized or directed to do so by the Director of Industry Operations. During June, 1942 and prior to the beginning of each calendar month beginning with July, 1942 the Director of Industry Operations will issue to all producers and distributors specific authorizations or directions covering deliveries of synthetic ammonia which may or must be made by such producers or distributors during such month. Such authorizations or directions shall be based primarily upon insuring the satisfaction of all defense requirements and, insofar as possible, providing an adequate supply for essential civilian uses. Each producer and distributor of synthetic ammonia, upon being informed by the Director of Industry Operations of the deliveries which such director has authorized, shall forthwith notify his customers of the extent of such authorization as the same may affect them.

(2) If prior to the first day of any month beginning with July, 1942 any producer or distributor shall not have received from the Director of Industry Operations authorizations or directions covering deliveries of synthetic ammonia to be made by him during such month, such producer or distributor may make deliveries of synthetic ammonia during such month in accordance with, and only in accordance with, the schedules of deliveries for such month filed with War Production Board pursuant to paragraph (c) hereof: *Provided, however,* That at any time during such month the Director of Industry Operations may issue directions with respect to future deliveries to be made in such month.

(3) In the event that any producer or distributor, after receiving notice from the Director of Industry Operations with respect to a delivery of synthetic ammonia which he is authorized to make during any month, shall be unable to make such delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorization from the Director of Industry Operations resell or otherwise dispose of the Synthetic Ammonia which he is unable to deliver as aforesaid.

(c) *Scheduling of deliveries.* Each producer or distributor of synthetic ammonia, on or before the 10th day of June, 1942 and the 10th day of each month thereafter, shall file with the Chemicals

Branch of the War Production Board, Washington, D. C., Form PD-237 (in triplicate), properly executed, which shall list among other things a schedule of deliveries of synthetic ammonia which such producer or distributor proposes to make in the succeeding month. After such form has been filed with such Chemicals Branch, any changes of circumstances or matters occurring thereafter pertaining to said Form PD-237 shall forthwith be reported to such Chemicals Branch.

(d) *Reports.* Each fertilizer manufacturer shall on or before July 1, 1942 file with the Chemicals Branch of the War Production Board, Form PD-503, properly executed, but the filing of said Form PD-503 pursuant to General Preference Orders No. M-165 and No. M-163 shall be a sufficient compliance with the requirement of this sentence. In addition, every person other than a fertilizer manufacturer who consumes Synthetic Ammonia or any mixture or derivative thereof shall, on request of the Director of Industry Operations of the War Production Board, file with said Branch, Form PD-504, properly executed. All persons affected by this order shall file such other reports as may from time to time be directed by the Director of Industry Operations.

(e) *Miscellaneous provisions—(1) Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(4) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: M-164.

(6) *Violations or false statements.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under pri-



ority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

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11:17 a. m.]

#### PART 1265—CYANAMID

[General Preference Order M-165]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cyanamid for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1265.1 *General Preference Order M-165*—(a) *Definitions*. (1) "Cyanamid" means the commercial material of that name composed in whole or in part of calcium cyanamide.

(2) "Producer" means any person engaged in the production of cyanamid and includes any person who has cyanamid produced for him pursuant to toll agreement.

(3) "Distributor" means any person who, for his own account or as agent or broker for any producer, sells cyanamid in any form. The term does not include any fertilizer manufacturer nor any agent of any fertilizer manufacturer, nor any person who purchases for sale at retail.

(4) "Fertilizer manufacturer" means any manufacturer of superphosphate or any person who purchases fertilizer materials for the purpose of manufacturing and selling commercial mixed fertilizers containing nitrogen, phosphorus and potassium or any or all of them in any proportions.

(b) *Restrictions on deliveries*. (1) On and after June 1, 1942, no producer or distributor shall make delivery of cyanamid to any person unless and until he shall have been authorized or directed to do so by the Director of Industry Operations. During June 1942 and prior to the beginning of each calendar month beginning with July 1942 the Director of Industry Operations will issue to all producers and distributors specific authorizations or directions covering deliveries of Cyanamid which may or must be made by such producers or distributors during such month. Such authorizations or directions shall be based primarily upon insuring the satisfaction of all defense requirements, and insofar as possible, providing an adequate supply for essential civilian uses. Each Producer and distributor of cyanamid, upon being informed by the Director of Industry Operations of the deliveries which such Director has authorized, shall forthwith notify his customers of the extent

of such authorization as the same may affect them.

(2) If prior to the first day of any month beginning with July, 1942 any producer or distributor shall not have received from the Director of Industry Operations authorizations or directions covering deliveries of cyanamid to be made by him during such month, such producer or distributor may make deliveries of cyanamid during such month in accordance with, and only in accordance with, the schedules of deliveries for such month filed with War Production Board pursuant to paragraph (c) hereof: *Provided, however*, That at any time during such month the Director of Industry Operations may issue directions with respect to future deliveries to be made in such month.

(3) In the event that any producer or distributor, after receiving notice from the Director of Industry Operations with respect to a delivery of cyanamid which he is authorized to make during any month, shall be unable to make such delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorization from the Director of Industry Operations resell or otherwise dispose of the cyanamid which he is unable to deliver as aforesaid.

(c) *Scheduling of deliveries*. Each producer or distributor of cyanamid, on or before the 10th day of June 1942 and the 10th day of each month thereafter, shall file with the Chemicals Branch of the War Production Board, Washington, D. C., Form PD-237 (in triplicate), properly executed, which shall list among other things a schedule of deliveries of cyanamid which such producer or distributor proposes to make in the succeeding month. After such form has been filed with such Chemicals Branch, any changes of circumstances or matters occurring thereafter pertaining to said Form PD-237 shall forthwith be reported to such Chemicals Branch.

(d) *Reports*. Each fertilizer manufacturer shall on or before July 1, 1942, file with the Chemicals Branch of the War Production Board, Form PD-503 properly executed, but the filing of said Form PD-503 pursuant to General Preference Orders No. M-163 and No. M-164 shall be a sufficient compliance herewith. All persons affected by this order shall file such other reports as may from time to time be directed by the Director of Industry Operations.

(e) *Miscellaneous provisions*—(1) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Notification of customers*. Producers and distributors shall, as soon as

practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(4) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(5) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-165.

(6) *Violations or false statements*. Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

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11:19 a. m.]

#### PART 1268—CAPRYL ALCOHOL

[General Preference Order M-167]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of capryl alcohol, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1268.1 *General Preference Order M-167*—(a) *Definitions*. For the purposes of this order:

(1) "Capryl alcohol", known also as "methyl hexyl carbinol" or "2 octanol", means capryl alcohol in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of capryl alcohol and includes any person who has such capryl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases capryl alcohol for purposes of resale.

(b) *Restrictions on use and delivery of capryl alcohol*. (1) During any calendar



month commencing with the month of July, 1942, no producer shall use and no producer or distributor shall deliver capryl alcohol to any person except as provided in paragraph (b) (2) hereof.

(2) During any calendar month commencing with the month of July, 1942, producers may use and producers and distributors may deliver the following quantities of capryl alcohol:

(i) Quantities the use or delivery of which has been specifically authorized or directed by the Director of Industry Operations. At the beginning of each calendar month the Director of Industry Operations will issue to all producers specific authorizations covering the quantities of capryl alcohol which may be used by such producers and to all producers and distributors specific authorizations or directions covering the quantities of capryl alcohol which may or must, as the case may be, be delivered by such producers and distributors during such month. Such authorizations and directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(ii) Quantities which shall not exceed ten gallons to any one person (who complies with the provisions of paragraph (c) (2) hereof) in any one month (less any quantities delivered to such person during such month from other sources), provided that the aggregate of all deliveries hereunder made by a producer does not exceed two percent of his estimated production of capryl alcohol for such month.

(3) No person shall accept delivery of capryl alcohol if he knows or has reason to believe that such delivery would be made in violation of paragraphs (b) (1) and (2) hereof.

(c) *Applications for delivery of capryl alcohol.* (1) Persons seeking delivery of and producers seeking to use capryl alcohol pursuant to the provisions of paragraph (b) (2) (i) above shall make application therefor on Form PD-525 at the times and in the manner prescribed in said form.

(2) Persons seeking delivery of capryl alcohol pursuant to the provisions of paragraph (b) (2) (ii) above shall certify to the deliveror that the quantities sought are within the limitations (applicable to deliveres) set forth in said paragraph.

(d) *Reports.* Producers and distributors shall file Form PD-526 at the times and in the manner prescribed in said form. Additional reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

(e) *Transactions outside of the continental United States.* Nothing in this order contained shall apply to transactions in capryl alcohol originating and completed outside of the continental United States.

(f) *Notification of customers.* Producers and distributors of capryl alcohol

shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(g) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of capryl alcohol conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Reference M-167, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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J. S. KNOWLSON,  
Director of Industry Operations.

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#### PART 1269—ISOPROPYL ALCOHOL

[General Preference Order M-168]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of isopropyl alcohol, as hereinafter defined, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§1269.1 *General Preference Order M-168—(a) Definitions.* For the purposes of this order:

(1) "Isopropyl alcohol" means isopropyl alcohol, dimethyl carbinol, pseudo-propyl alcohol, pseudo propanol, isopropanol, secondary propanol, or secondary propyl alcohol of any grade and from whatever source derived.

(2) "Producer" means any person engaged in the production of isopropyl alcohol and includes any person who has such isopropyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases isopropyl alcohol for purposes of resale.

(b) *Restrictions on use and delivery of isopropyl alcohol.* (1) During any calendar month commencing with the month of July, 1942, no producer shall use and no producer or distributor shall deliver isopropyl alcohol to any person except as provided in paragraph (b) (2) hereof.

(2) During any calendar month commencing with the month of July, 1942, producers may use and producers and distributors may deliver the following quantities of isopropyl alcohol:

(i) Quantities the use or delivery of which has been specifically authorized or directed by the Director of Industry Operations. At the beginning of each calendar month the Director of Industry Operations will issue to all producers specific authorizations covering the quantities of isopropyl alcohol which may be used by such producers and to all producers and distributors specific authorizations or directions covering the quantities of isopropyl alcohol which may or must, as the case may be, be delivered by such producers and distributors during such month. Such authorizations and directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(ii) Quantities which shall not exceed fifty-four gallons to any one person (who complies with the provisions of paragraph (c) (2) hereof) in any one month (less any quantities delivered to such person during such month from other sources): *Provided*, That the aggregate of all deliveries hereunder made by a producer does not exceed two percent of his estimated production of isopropyl alcohol for such month.

(3) No person shall accept delivery of isopropyl alcohol if he knows or has reason to believe that such delivery would be made in violation of paragraphs (b) (1) and (2) hereof.

(c) *Applications for delivery of isopropyl alcohol.* (1) Persons seeking delivery of and producers seeking to use isopropyl alcohol pursuant to the provisions of paragraph (b) (2) (i) above shall make application therefor on Form PD-521 at the times and in the manner prescribed in said Form.

(2) Persons seeking delivery of isopropyl alcohol pursuant to the provisions of paragraph (b) (2) (ii) above shall cer-



tify to the deliveror that the quantities sought are within the limitations (applicable to deliveries) set forth in said paragraph.

(d) *Reports.* Producers and distributors shall file Form PD-522 at the times and in the manner prescribed in said form. Additional reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

(e) *Transactions outside of the continental United States.* Nothing in this order contained shall apply to transactions in isopropyl alcohol originating and completed outside of the continental United States.

(f) *Notification of customers.* Producers and distributors of isopropyl alcohol shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(g) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of isopropyl alcohol conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Reference M-168, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

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11:18 a. m.]

#### PART 1270—METHYL ETHYL KETONE

[General Preference Order M-169]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Methyl Ethyl Ketone, as hereinafter defined, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1270.1 *General Preference Order M-169*—(a) *Definitions.* For the purposes of this order:

(1) "Methyl ethyl ketone" means methyl ethyl ketone, ethyl methyl ketone or 2-butanone of any grade and from whatever source derived.

(2) "Producer" means any person engaged in the production of methyl ethyl ketone and includes any person who has such methyl ethyl ketone produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases methyl ethyl ketone for purposes of resale.

(b) *Restrictions on use and delivery of methyl ethyl ketone.* (1) During any calendar month commencing with the month of July, 1942, no producer shall use and no producer or distributor shall deliver methyl ethyl ketone to any person except as provided in paragraph (b) (2) of this section.

(2) During any calendar month commencing with the month of July, 1942, producers may use and producers and distributors may deliver the following quantities of methyl ethyl ketone:

(i) Quantities the use or delivery of which has been specifically authorized or directed by the Director of Industry Operations. At the beginning of each calendar month the Director of Industry Operations will issue to all producers specific authorizations covering the quantities of methyl ethyl ketone which may be used by such producers and to all producers and distributors specific authorizations or directions covering the quantities of methyl ethyl ketone which may or must, as the case may be, be delivered by such producers and distributors during such month. Such authorizations and directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(ii) Quantities which shall not exceed fifty-four gallons to any one person (who complies with the provisions of paragraph (c) (2) of this section) in any one month (less any quantities delivered to such person during such month from other sources): *Provided*, That the aggregate of all deliveries hereunder made by a producer does not exceed two percent of his estimated production of methyl ethyl ketone for such month.

(3) No person shall accept delivery of methyl ethyl ketone if he knows or has reason to believe that such delivery would be made in violation of paragraph (b) (1) and (2) of this section.

(c) *Applications for delivery of methyl ethyl ketone.*

(1) Persons seeking delivery of and producers seeking to use methyl ethyl ketone pursuant to the provisions of paragraph (b) (2) (i) above shall make application therefor on Form PD-523, at the times and in the manner prescribed in said Form.

(2) Persons seeking delivery of methyl ethyl ketone pursuant to the provisions of paragraph (b) (2) (ii) above shall certify to the deliveror that the quantities sought are within the limitations (applicable to deliveries) set forth in said paragraph.

(d) *Reports.* Producers and distributors shall file Form PD-524, at the times and in the manner prescribed in said Form. Additional reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

(e) *Transactions outside of the continental United States.* Nothing in this order contained shall apply to transactions in methyl ethyl ketone originating and completed outside of the continental United States.

(f) *Notification of customers.* Producers and distributors of methyl ethyl ketone shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(g) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of methyl ethyl ketone conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Reference M-169, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1,



7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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J. S. KNOWLSON,  
Director of Industry Operations.

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PART 940—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A  
COMPONENT

[Supplementary Order M-15-e]

RESTRICTION OF TRANSACTIONS IN RUBBER  
LIFE SAVING SUITS

It is hereby ordered that:

§ 940.7 *Supplementary Order M-15-e*—(a) *Definitions*. (1) "Life saving suit" means any buoyant water tight suit made in whole or in part of rubber, latex, reclaimed rubber, scrap rubber or any of the compositions generally known as synthetic rubber, designed for use by seamen as a device for rescuing or preserving the lives of seamen from wrecked vessels.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) *General restriction on the purchase and sale of life saving suits*. Except as provided in paragraph (c) hereof no person shall purchase any Life Saving Suit except:

(1) To provide necessary equipment for ocean and coastwise cargo and tank vessels of over 1,000 gross tons for the purpose of providing one approved life saving suit for each person on board as required by regulations prescribed by the United States Coast Guard (Title 46, Chapter II, Subchapter O, § 153.12)<sup>1</sup> and

(2) Only upon compliance with rules, regulations, instructions or directions concerning the purchase and sale of life saving suits to be issued from time to time by the United States Coast Guard.

No person shall sell any life saving suit except pursuant to such rules, regulations, instructions or directions issued by the United States Coast Guard, or if he knows or has reason to believe that such life saving suit is being acquired or is to be used for any purpose other than is permitted by this order.

(c) *Exception*. The provisions of paragraph (b) shall not prohibit the purchase or sale of life saving suits in any case in which:

(1) Such purchase or sale has been expressly authorized by the Director of Industry Operations.

(2) Such purchase is made by or for the account of the United States Army, Navy or Coast Guard.

(3) Such purchase is made by any agency of the United States for the account of any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Such purchase is made by a dealer in life saving suits for the purpose of resale.

(d) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, sales and products.

(e) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(f) *Communications*. All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed be addressed to War Production Board, Washington, D. C. Ref: M-15-e.

(g) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 as amended from time to time, except to the extent that any provision of this order may be inconsistent therewith, in which case such provision shall govern.

(i) *Effective date*. This order shall take effect upon the date of its issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5117; Filed, June 1, 1942;  
11:51 a. m.]

PART 984—LEAD

[Supplementary Order M-38-i]

§ 984.10 *Supplementary Order M-38-i*. (a) The Director of Industry Operations hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General Preference Order M-38*)<sup>1</sup> for the month of June 1942, shall be equal to 15% of the total amount of lead produced by such refiner during the month of April, 1942.

<sup>1</sup> 6 F.R. 5090; 7 F.R. 2185.

(b) *Communications to War Production Board*. All communications concerning this Supplementary Order shall be addressed to the War Production Board, Social Security Building, Washington, D. C., Reference: M-38-i. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5114; Filed, June 1, 1942;  
11:50 a. m.]

PART 998—METAL OFFICE FURNITURE AND  
EQUIPMENT

[Amendment 2 to Supplementary Limitation  
Order L-13-a<sup>1</sup>]

Section 998.2 *Supplementary Limitation Order L-13-a*, paragraph (a) (7) is hereby amended by inserting the words "wood filing cabinets containing not more than 2 pounds per drawer of essential operating steel hardware, and" after the words "containing more than 5% of metal in the net weight of the finished product other than \* \* \*."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5111; Filed, June 1, 1942;  
11:49 a. m.]

PART 1022—PLUMBING AND HEATING  
EMERGENCY REPAIRS

[Interpretation 1 of Preference Rating  
Order P-84]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1022.1 *Preference Rating Order P-84*.<sup>2</sup>

Subparagraph (b) (3) of Preference Rating Order P-84 reads as follows:

(b) \* \* \*

(3) "Emergency repairs" means only those remedial repairs which are required by actual or imminent breakdown of plumbing equipment or heating equipment. It includes (but is not limited to) the emergency replacement of equipment which is worn out, damaged beyond repair or destroyed. It does not include the installation of superior type equipment to replace usable equipment, or a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed.

<sup>1</sup> 7 F.R. 2536, 2966.

<sup>2</sup> 7 F.R. 1997.



Within the meaning of this subparagraph, plumbing equipment or heating equipment which replaces "the part or parts that are worn out, damaged or destroyed", need not be identical with the part or parts that are replaced.

Installation of a part or parts which do not contain a greater weight of metal than the part or parts replaced is not "a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed", regardless of the fact that such plumbing or heating equipment is of a type or kind different from that replaced. Thus, coal burning equipment may replace oil burning equipment or gas burning equipment.

Further, where steel equipment is replaced by cast iron equipment, the substitution is not "more extensive" even though the substituted equipment be heavier than that replaced. Similarly a substitution of iron or steel equipment for copper or copper base alloy equipment is not a "more extensive" substitution even though the substituted equipment be heavier than that replaced. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5113; Filed, June 1, 1942;  
11:49 a. m.]

#### PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amendment 7 to General Imports Order M-63]

(a) Section 1042.1 *General Imports Order M-63*<sup>1</sup> is hereby amended as follows:

(1) By adding to List A the following:

Material	Economic class	Commodity No.
Iron and steel scrap-----	7	6004.0
Aluminum scrap-----	7	6004.1
Copper—old and scrap, fit only for remanufacture, and scale and clippings-----	7	6302.3
Composition metal, copper chief value-----	7	6400.9
Old brass and clippings from brass or Dutch metal for remanufacture-----	7	6418.3
Lead—reclaimed, scrap, dross, and other similar kinds of lead except antimonial lead-----	7	6453.0
Lead—alloys and combinations of, not otherwise classified, in chief value of lead-----	7	6505.1
Lead—alloys and combinations of, not otherwise classified, not in chief value of lead (including lead antimony and white metal)-----	7	6506.5
Tin—bars, blocks, pigs, grain granulated or scrap, and alloys, chief value tin, not otherwise classified (including tin dross 674.19)-----	7	6506.9
Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass, foundry ash, and flue dust)-----	7	6551.0
Bell metal, and bells broken, fit only for remanufacture-----	1	674.19
Magnesium, metallic and scrap-----	7	676.02
	7	676.31

<sup>1</sup> 6 F.R. 6796; 7 F.R. 206, 223, 2094, 2708, 3327, 3850.

(b) This amendment shall take effect on June 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5115; Filed, June 1, 1942;  
11:51 a. m.]

#### PART 1055—WOOL

[Conservation Order M-73, as Amended to June 1, 1942 and Extended to July 4, 1942]

Section 1055.1 *Conservation Order No. M-73*, as amended and extended to July 4, 1942 is hereby amended to read as follows:

§ 1055.1 *Conservation Order No. M-73*—(a) *Restrictions on use of wool for non-defense orders—Curtailment from April 5, 1942 to July 4, 1942.* During the period from April 5, 1942 to July 4, 1942, both dates inclusive:

(1) *Curtailment for non-defense use on worsted system.* No person shall put into process, or cause to be put into process by others for his account for non-Defense orders, on the worsted system, more wool owned by such person than 20 per cent of his basic quarterly poundage for that system, except as hereinafter provided.

(2) *Curtailment for non-defense use on woolen, cotton or felt system.* No person shall put into process or cause to be put into process by others for his account for non-Defense orders, on the woolen, cotton or felt system, more wool owned by such person than 10 per cent of his basic quarterly poundage for that system, except as hereinafter provided.

(3) *Curtailment for non-defense use on methods of manufacture not otherwise covered.* No person shall put into process, or cause to be put into process by others for his account, for non-Defense orders for manufacture on any system not covered above, more wool owned by such person than 10 per cent of his basic quarterly poundage for that system, except as hereinafter provided.

*Provided, however,* That any person, for each pound of mohair, either kid or adult, or wool of grades 44s and lower (including carpet wool), or skin alpaca, coarse alpaca fleece, alpaca seconds, Huarizo, llama, or coarse pieces or locks of alpaca or llama, owned by such person, put into process or caused to be put into process by others for his account, within the limits of (a) (1), (2), and (3), shall be entitled to put into process or cause to be put into process by others for his account:

(i) On the worsted system an additional two pounds of such material owned by such person.

(ii) On the woolen, cotton or felt system an additional five pounds of such material owned by such person.

(b) *Special provisions for persons having basic quarterly poundage for floor covering.* Any person having a basic

quarterly poundage for floor covering shall be entitled during the period from April 5, 1942 to July 4, 1942, both dates inclusive, to put into process, or cause to be put into process by others for his account:

(1) An amount of wool of grades 44s and lower, fine carpet wools, mohair, either kid or adult, skin alpaca, coarse alpaca fleece, alpaca seconds, Huarizo, llama, or coarse pieces or locks of alpaca or llama, owned by such person, for the manufacture of wool products other than floor covering, and/or

(2) An amount of coarse carpet wool for the manufacture of floor coverings, the total of both of which, and the amount of wool put into process by such person for the manufacture of floor covering during such period but prior to the issuance of this amended order, shall not exceed the equivalent of 25 per cent of such basic quarterly poundage for floor covering.

(c) *Viscose rayon staple fiber and acetate rayon staple fiber for use for blending with wool.* (1) Each producer of viscose rayon staple fiber or acetate rayon staple fiber shall set aside each month such amount of his production thereof as may be designated by the Director of Industry Operations for sale and delivery to or for the account of persons putting wool owned by them into process, or causing such wool to be put into process by others for their account, on any system as provided in subparagraph (2) of this paragraph.

(2) Each person putting wool owned by him into process, or causing such wool to be put into process by others for his account, shall be eligible to purchase each month, out of the viscose rayon staple fiber or acetate rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, an amount not to exceed such percentage of his basic quarterly poundage for that system as may from month to month be prescribed by the Director of Industry Operations: *Provided, however,* That no viscose rayon staple fiber or acetate rayon staple fiber so purchased shall be used in the manufacture of floor coverings, or drapery or upholstery fabrics.

(3) Each person eligible to purchase viscose rayon staple fiber or acetate rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, shall place his order with the producers thereof on or before the first day of the month preceding the month in which delivery is to be made.

(d) *Curtailment of use of wool in the manufacture of certain products*—(1) *Restriction on wool content of blankets for non-defense use.* No person shall manufacture for non-defense order any blanket containing more than 80 per cent of wool, wool waste, noils, or reused and reprocessed wool, in the aggregate, except blankets made solely from used paper-makers' felts and/or used processing felts. *Provided, however,* That any person subject to this order may, regardless of the foregoing restriction, finish the manufacture of blankets, the warps for which were completely dressed on or before March 15, 1942.



(2) *Restriction on use of certain wools in drapery and upholstery fabrics for non-defense use.* No person shall put into process, or cause to be put into process by others for his account for non-defense order for the manufacture of any drapery or upholstery fabrics any wool other than coarse carpet wool, mohair, either kid or adult, skin alpaca, coarse alpaca fleece, alpaca seconds, Huarizo, llama, or coarse pieces or locks of alpaca or llama.

(3) *Restrictions on use of certain wools in floor coverings.* No person shall put into process, or cause to be put into process by others for his account, any wool other than coarse carpet wool for the manufacture of floor covering.

(e) *Prohibition against sales or deliveries.* No person shall hereafter sell or deliver any material to any person if he knows, or has reason to believe, such material is to be used in violation of this order.

(f) *Limitation of inventories.* No person shall receive delivery of wool or products thereof in the form of raw materials, semi-processed wool materials or finished goods containing wool, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of wool by this order: *Provided, however,* That nothing herein contained shall be deemed to restrict the purchase or delivery of any imported wool to the person importing the same either directly or through an agent or to the person to whom such wool may be sold prior to landing in this country.

(g) *Fair distribution of products.* In making sales or deliveries of wool yarn, fabrics, styles, or patterns, no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers and new customers who meet such person's regularly established prices and terms, or between former customers, new customers and his own consumption of these products, or any of them.

(h) *Miscellaneous provisions—(1) Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board on the form provided therefor setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and the restrictions contained

in this order shall apply to the use of wool in all articles hereafter manufactured. Insofar as any other order of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of wool in the production of any article, the limitation of such other order shall be observed.

(4) *Violations.* Any person who wilfully violates any provisions of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Definitions.* For the purposes of this order:

(i) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Angora or Cashmere goat or camel or the alpaca, llama, vicuna, and related fibers, including fine carpet wool and coarse carpet wool, but (except for the purposes of paragraph (g)) shall not include noils, waste, reprocessed or reused wool, or yarn or cloth.

(ii) "Fine carpet wool" means wool which, under Paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor coverings, identified by the following names: Persian Gulf (excluding stuffings and pieces), Aleppo Fleeces (excluding stuffings and pieces), Egyptian pulled, white (excluding fleeces and colors), Joria, Kandahar, Vicanere super, Vicanere #1, Thibet #1 and #2 white, Iceland (except pulled), New Zealand, Welsh Mountain, Montevideo, Criolla, Ecuadorian, Cordoba 40's-36's (except combing 12 mos. growth), B. A. 5's-6's (except combing 12 mos. growth).

(iii) "Coarse carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor coverings, identified by the following names: Persian Gulf-stuffings and pieces (excluding fleeces), Aleppo-stuffings and pieces (excluding fleeces), Egyptian-fleeces and colors (excluding pulled, white), Indias (other than Joria, Kandahar, Vicanere Super, Vicanere #1, Awassi-Karadi, Cyprus, Oporto, Thibet (other than #1 and #2 white), Iceland (skin), Scotch, Irish, & English Black-faced, Irish Kerry, Haslock, Herdwick, Swalesdale, Devon, Cordoba 40's-36's combing 12 mos. growth only, B. A. 5's-6's combing 12 mos. growth only, Balkan pulled wools.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) "Manufacture" means any and all processing on any system beyond the scouring operation, excepting only the

carding and combing operations on the worsted system.

(vi) "Put into process" means:

(a) On the worsted system, the first process of drawing after combing.

(b) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding as the case may be.

(c) On the woolen, felt, or any other system not using tops, the first step after scouring, carbonizing, dusting or similar cleaning or preparatory process.

(vii) "Basic quarterly poundage" for any single system of manufacture shall mean one half of the number of pounds of wool put into process on that system by a person or for his account during the period from December 29, 1940, to June 28, 1941, both inclusive, or for the period from January 1, 1941, to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such person during such period. Such poundage shall be determined as follows:

(a) On the worsted system or any other system using tops, the weight of tops put into process at 15 per cent moisture regain, 3¼ per cent of oil and natural fats.

(b) On the woolen system, scoured wool at 12 per cent moisture.

(c) On the felt or any other system, the weight of wool in the stage immediately preceding putting into process.

(6) *Reports and records* (i) Each person who puts wool into process shall file with the War Production Board, reports or forms to be prescribed by the Director of Industry Operations.

(ii) All persons who put wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(7) *Reports and correspondence.* All applications, statements, or other communications filed pursuant to this order or concerning the subject matter hereof should be addressed to the War Production Board, Washington, D. C., Ref.: M-73. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-5118; Filed, June 1, 1942; 12:01 p. m.]

#### PART 1077—RADIO RECEIVERS AND PHONOGRAPHS

[Interpretation 1 of General Limitation Order L-44]

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 1077.1, *Supplementary General Limitation Order L-44*,<sup>1</sup> dated January 23, 1942.

Any apparatus which is designed to receive radio broadcasts is to be considered a "set" within the meaning of

<sup>1</sup> 7 F.R. 520.



Limitation Order L-44, whether or not sound is reproduced.

The following types of apparatus among others are to be considered "sets" within the meaning of this order:

(a) Combination radio receivers and transmitters (transceivers),

(b) Blackout devices using vacuum tubes,

(c) Television receivers.

Order L-44 also covers "any phonograph or other record player", wireless record players with tubes, and turntables to be used for the reproduction of sound from discs are to be considered "sets" under this part of the definition.

If any "set" has already been "put into production" within the meaning of Order L-44, a person who thereafter merely performs any or all of the following operations, does not "put into production" a "set":

(a) Adding to or assembling with the "set" any parts such as a phonograph turntable (whether automatic or not) or an automatic record changer;

(b) Converting the "set", whether a radio receiver or a phonograph, into a radio-phonograph combination; or

(c) Assembling the "set" into a cabinet. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5119; Filed, June 1, 1942; 11:51 a. m.]

#### PART 1083—KAPOK

[Amendment 3 to General Conservation Order M-85<sup>1</sup>]

Paragraph (c) (2) of General Conservation Order M-85 (§ 1083.1) is amended by striking out the date, "May 31, 1942," wherever it appears and inserting in lieu thereof the date, "June 30, 1942." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5106; Filed, June 1, 1942; 11:49 a. m.]

#### PART 1090—AGAVE FIBER

[Amendment 6 to General Preference Order M-84]

Section 1090.1 *General Preference Order M-84*<sup>2</sup> is hereby amended as follows:

<sup>1</sup> 7 F.R. 784, 2102, 3314, 3315.

<sup>2</sup> 7 F. R. 1128, 1642, 2234, 2788, 2789, 2940, 2995.

Paragraph (d) (1) is amended to read as follows:

(d) \* \* \*

(1) For manufacturing wrapping twine, in excess of the following percentages of his average monthly sales for the twelve (12) months January 1, 1941 to December 31, 1941, inclusive:

	Per cent
May 1942.....	65
June 1942.....	57.5
July 1942.....	50
August 1942 and each month thereafter.....	40

The above restrictions shall not apply, however, to any Importer so as to limit his imports of Wrapping Twine. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law. 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5107; Filed, June 1, 1942; 11:49 a. m.]

#### PART 1112—OFFICE MACHINERY

[Amendment 2 to Conversion Order L-54-a]

Paragraphs (c) (1) and (f) (1) of Conversion Order L-54-a<sup>1</sup> (§ 1112.2) are hereby amended to read as follows:

§ 1112.2 *Conversion Order L-54-a.*  
\* \* \*

(c) *Authorized production quotas—*  
(1) *Quotas from March 15, 1942 to June 30, 1942.* During the period commencing March 15, 1942 and ending May 31, 1942, and the month of June 1942, respectively, each manufacturer shall manufacture quantities of non-portable and portable typewriters, or parts therefor (not including sets of parts for export), not in excess of the following percentages of the average monthly number of non-portable and portable typewriters (not including parts therefor or sets of parts for export), respectively, billed to customers by such Manufacturer during the calendar year 1941:

#### NONPORTABLE PRODUCTION

Name of manufacturer	Mar. 15-May 31, 1942	June 1942
Underwood Elliott Fisher Co.	2½ times 75%	75%
Remington Rand, Inc.	2½ times 75%	75%
Royal Typewriter Co., Inc.	2½ times 75%	75%
L. C. Smith & Corona Typewriters, Inc.	2½ times 75%	75%
International Business Machines Corporation	2½ times 75%	75%
Woodstock Typewriter Co.	2½ times 90%	90%

#### PORTABLE PRODUCTION

Underwood Elliott Fisher Co.	2½ times 36%	11%
Remington Rand, Inc.	2½ times 36%	11%
Royal Typewriter Co., Inc.	2½ times 36%	11%
L. C. Smith & Corona Typewriters, Inc.	2½ times 36%	11%

<sup>1</sup> 7 F.R. 2130, 2389, 2596, 2786.

*Provided, however,* That any manufacturer who does not produce his quota of non-portable or portable typewriters, including parts therefor, during the quota period March 15, to May 31, 1942, may exceed production quotas for subsequent periods to produce a quantity of non-portable or portable typewriters, or parts therefor, as the case may be, equal to the amount of such deficiency.

\* \* \* \* \*

(f) *Distribution of typewriters by manufacturers—*(1) *Distribution of non-portable typewriters.* On and after the date of issuance of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating, each manufacturer shall distribute his production and stock of new non-portable typewriters as follows:

(i) Each manufacturer shall, during the quota period March 15 to May 31, 1942, inclusive, make available to the Army of the United States, including the War Department, a quantity of new non-portable typewriters equal to 48.9 per centum of his production for such quota period, and, during June 1942, and each month thereafter, until further notice, a quantity equal to 35.02 per centum of his production for such month.

(ii) Each manufacturer shall, during the quota period March 15 to May 31, 1942, inclusive, make available to the Navy of the United States, including the Navy Department, a quantity of new non-portable typewriters equal to 19.6 per centum of his production for such quota period, and, during June 1942, and each month thereafter, until further notice, a quantity equal to 14.04 per centum of his production for such month.

(iii) Unless expressly otherwise authorized by the Director of Industry Operations, the quantities to be made available to the Army and Navy of the United States shall be cumulative, and shall be held available until such time as required by the Army or Navy, as the case may be.

(iv) Each manufacturer shall set aside, to be distributed in accordance with express authorizations of the Director of Industry Operations, a quantity of new non-portable typewriters equal to his stocks of new non-portable typewriters on the date of issue of this order plus 31.5 per centum of his production in the quota period March 15 to May 31, 1942, plus 50.94 per centum of his production in the month of June 1942 and each month thereafter.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5102; Filed, June 1, 1942; 11:48 a. m.]



## PART 1112—OFFICE MACHINERY

[Supplementary Conversion Order L-54-a-1]

In accordance with the provisions of § 1112.2 *Conversion Order L-54-a*,<sup>1</sup> which the following order supplements, it is hereby ordered that:

§ 1112.5 *Supplementary Conversion Order L-54-a-1*—(a) *July production quotas for typewriters.* During the month of July 1942, no manufacturer shall manufacture quantities of non-portable and portable typewriters, or parts therefor (not including sets of parts for export), in excess of the following percentages of the average monthly number of non-portable and portable typewriters (not including parts therefor or Sets of Parts for export), respectively, billed to customers by such Manufacturers during the calendar year 1941:

## NON-PORTABLE PRODUCTION

Name of manufacturer:	July 1942 (percent)
Underwood Elliott Fisher Co.	75
Remington Rand, Inc.	75
Royal Typewriter Co., Inc.	75
L. C. Smith & Corona Typewriters, Inc.	75
International Business Machines Corporation	75
Woodstock Typewriter Co.	90

## PORTABLE PRODUCTION

Underwood Elliott Fisher Co.	11
Remington Rand, Inc.	11
Royal Typewriter Co., Inc.	11
L. C. Smith & Corona Typewriters, Inc.	11

(b) *Sets of parts for export.* Each Manufacturer may produce for export during the month of July 1942, a number of Sets of Parts for non-portable and portable typewriters, not in excess of the following percentages of the average monthly number of Sets of Parts for non-portable and portable typewriters, respectively, shipped from his factories during 1941:

## NON-PORTABLE PRODUCTION

Name of manufacturer:	July 1942 (percent)
Underwood Elliott Fisher Co.	53
Remington Rand, Inc.	53
Royal Typewriter Company, Inc.	53
L. C. Smith & Corona Typewriters, Inc.	53
International Business Machines Corporation	53
Woodstock Typewriter Co.	75

## PORTABLE PRODUCTION

Underwood Elliott Fisher Co.	11
Remington Rand, Inc.	11
Royal Typewriter Company, Inc.	11
L. C. Smith & Corona Typewriters, Inc.	11

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

<sup>1</sup> 7 F.R. 2130, 2389, 2596, 2786.

## PART 1141—MOTOR FUEL

[Amendment 3 to Limitation Order L-70]

Section 1141.1 *Limitation Order L-70*<sup>1</sup> paragraph (f) is hereby amended to read as follows:

(f) *Preferential deliveries.* (1) On or after May 15, 1942, in any part of the curtailment area specified in subparagraph (1) of Exhibit "A" hereof, any supplier shall deliver to any bulk consumer such bulk consumer's minimum necessary requirements of Motor Fuel for uses specified in §§ 1394.18 (b), 1394.18 (c), or 1394.22 (c), of Ration Order No. 5 or for the operation of commercial, industrial and agricultural machinery and equipment: *Provided*, That where Forms or other statements are required, by Ration Order No. 5, no delivery of Motor Fuel may be made unless the execution of such Forms or other statements is effected in accordance with the terms of such Order.

(2) On or after May 15, 1942, in any part of the Curtailment Area specified in subparagraph (1) of Exhibit "A" hereof, any supplier or service station shall deliver to any person other than a bulk consumer such person's minimum necessary requirements of Motor Fuel for uses specified in §§ 1394.18 (b), 1394.18 (c), 1394.19 (b), or 1394.22 (c) of Ration Order No. 5: *Provided*, That where cards, forms or other statements are required by Ration Order No. 5, no delivery of motor fuel may be made unless the presentation or execution of such cards, forms or other statements is effected in accordance with the terms of such order.

(3) In any part of the curtailment area specified in subparagraph (2) of Exhibit "A" hereof, a supplier shall deliver to any bulk consumer such bulk consumer's minimum necessary requirements of motor fuel for any of the following uses upon presentation by the bulk consumer to the delivering supplier of the following statement, manually signed by a responsible official of the bulk consumer duly designated for such purpose:

Motor fuel delivered pursuant to this representation will be used only for purposes authorized in paragraph (f) of Limitation Order L-70, with the terms of which Order the undersigned is familiar.

-----  
Legal name of Bulk Consumer  
By -----  
Signature of Duly Designated Official.

Such statement shall constitute a representation to the Director of Industry Operations and to the supplier of such motor fuel that such motor fuel is for such use, and such supplier shall be entitled to rely upon such representation unless he knows or has reason to believe it to be false:

(i) The operation of vehicles and boats necessary for the public health and safety, including, among others, ambu-

<sup>1</sup> 7 F.R. 2103, 2722, 3549, 3550.

lances and vehicles operated by practicing physicians, surgeons, nurses, and veterinarians, and those engaged in civilian defense activities while the area is under martial law, enemy attack, or immediate threat of enemy attack.

(ii) The operation of vehicles and boats owned or operated by or in the service of Federal, state or local governments.

(iii) The operation of commercial vehicles so classified by law, including cabs, and the operation of commercial boats.

(iv) The operation of commercial, industrial and agricultural machinery and equipment.

(v) The operation of school buses.

Section 1141.1 (*Limitation Order L-70*) Exhibit "B" is hereby amended to read as follows:

## EXHIBIT "B"

1. Effective May 15, 1942, and thereafter unless and until modified by the Director of Industry Operations the Allowable Percentage for the area specified in subparagraph (1) of Exhibit "A" hereof, shall be 50%. The Monthly Quotas for May 1942 shall be reduced proportionately.

2. Unless and until modified by the Director of Industry Operations, the Allowable Percentage for the area specified in subparagraph (2) of Exhibit "A" hereof, shall be 66 $\frac{2}{3}$ %.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5104; Filed, June 1, 1942; 11:48 a. m.]

## PART 1178—FISHING TACKLE

[Amendment 1 to Limitation Order L-92]

Paragraph (b) of § 1178.1 *General Limitation Order L-92*<sup>1</sup> is hereby amended by adding thereto a new subparagraph (6) as follows:

(6) Notwithstanding the provisions of paragraph (b) (2), any manufacturer may use in the production of any fishing tackle product during the month of June 1942, any part of his current inventory (as defined in paragraph (a) (4)), subject to the following conditions:

(i) He may use no more iron and steel than 75% of his average monthly use of metals in the production of such fishing tackle product during the year 1941, and

(ii) He may use only iron, steel or critical material which had been so fabricated or processed prior to April 23, 1942 that it could not be used for any purpose other than the production of the fishing tackle product for which it was originally fabricated or processed.

<sup>1</sup> 7 F.R. 3035.



(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5105; Filed, June 1, 1942;  
11:48 a. m.]

#### PART 1195—BENZENE

[Conservation Order M-137, as Amended  
June 1, 1942]

Section 1195.1 *Conservation Order M-137* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Benzene, as hereinafter defined, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1195.1 *Conservation Order M-137—*  
(a) *Definitions.* For the purposes of this order: (1) "Benzene" means the chemical compound known commercially by that name or by the name "benzol" from whatever source derived.

(2) "One-degree benzene" means benzene distilling 100% within a temperature range of one degree centigrade, which range include the true boiling point of benzene.

(3) "Two-degree benzene" means benzene distilling 100% within a temperature range of two degrees centigrade, which range include the true boiling point of benzene.

(4) "Motor fuel" means fuel for use in internal combustion engines, but does not include aviation fuel with octane numbers higher than 87 A S T M.

(5) "Producer" means any person who produces benzene and includes any person who has benzene produced for him pursuant to toll agreement.

(6) "Distributor" means any person who has purchased or purchases benzene for purposes of resale.

(b) *Restrictions on use and delivery of benzene.* (1) On and after July 1, 1942, no producer shall use and no producer or distributor shall deliver benzene to any person except as provided in paragraph (b) (2) hereof.

(2) During any calendar month commencing with the month of July 1942 producers may use and producers and distributors may deliver the following quantities of benzene:

(i) Quantities the use or delivery of which has been specifically authorized or directed by the Director of Industry Operations. At the beginning of each calendar month the Director of Industry Operations will issue to all producers specific authorizations covering the quantities of benzene which may be used by such producers and to all producers and

distributors specific authorizations or directions covering the quantities of benzene which may or must, as the case may be, be delivered by such producers and distributors during such month. Such authorizations and directions will be made primarily to insure the satisfaction of all war requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(ii) Quantities which shall not exceed fifty gallons to any one person (who complies with the provisions of paragraph (c) (2) hereof) in any one month (less any quantities delivered to such person during such month from other sources), provided that the aggregate of all deliveries hereunder made by a producer does not exceed the quantity authorized therefor each month by the Director of Industry Operations.

(3) No person shall accept delivery of benzene if he knows or has reason to believe that such delivery would be made in violation of paragraph (b) (1) and (2) hereof.

(c) *Applications for delivery of benzene.* (1) Persons seeking delivery of and producers seeking to use benzene pursuant to the provisions of paragraph (b) (2) (i) above shall make application therefor on Form PD-223-A at the times and in the manner prescribed in said Form.

(2) Persons seeking delivery of benzene pursuant to the provisions of paragraph (b) (2) (ii) above shall certify to the deliveror that the quantities sought are within the limitations (applicable to deliveries) set forth in said paragraph.

(d) *Reports.* Producers and distributors shall file Form PD-224-A at the times and in the manner prescribed in said form. Additional reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

(e) *Production of benzene.* Subject to the provisions of General Preference Order No. M-34 (Toluene), as amended from time to time, applicable to the production of toluene:

(1) Every person shall, in processing oils containing benzene, so operate his equipment and facilities that the maximum quantity of benzene capable of being produced with such equipment and facilities shall be produced: *Provided, however,* That unless otherwise directed by the Director of Industry Operations, of the total quantity of benzene produced during any month, the maximum quantity thereof of two-degree benzene shall be produced.

(2) Anything in paragraph (e) (1) hereof to the contrary notwithstanding, the Director of Industry Operations may from time to time issue directions with respect to the quantity of any person's production of benzene during any month which shall, within the production capacity of such person's equipment and facilities be one-degree benzene, two-de-

gree benzene or benzene of some other grade.

(3) Except as otherwise directed by the Director of Industry Operations, no person shall use, sell, deliver or otherwise dispose of oils containing benzene unless, consistent with the provisions of paragraph (e) (1) and (2) and directions issued under paragraph (e) (2).

(i) Such person shall have extracted the maximum amount of benzene therefrom which he can with his existing equipment and facilities, or

(ii) Such sale or delivery shall be to another who shall extract the maximum commercially extractable amount of benzene therefrom.

and no person shall accept delivery of oils containing benzene if such delivery would be made in violation of this subparagraph.

(4) Nothing in this paragraph (e) contained shall be applicable to oils derived from petroleum.

(f) *Additional restrictions on use.* Hereafter no person shall:

(1) Use or consume benzene, or any blend or mixture containing added benzene, in the manufacture or preparation of motor fuel.

(2) Use or consume benzene unmixed with gasoline as a fuel for any motor vehicle.

(g) *Additional restrictions on delivery.* No person shall sell or deliver, and no person shall buy or accept delivery of benzene or any blend or mixture containing added benzene if he knows or has reason to believe that it is to be used in violation of paragraph (f) hereof.

(h) *Notification of customers.* Producers and distributors of benzene shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(i) *Applicability of priorities regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared



with the amount of Benzene conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Reference M-137, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(1) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M-137.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5112; Filed, June 1, 1942;  
11:50 a. m.]

#### PART 1208—NAPHTHENIC ACID AND NAPHTHENATES

[Amendment I to General Preference Order M-142]

Section 1208.1 *General Preference Order M-142*<sup>1</sup> is hereby amended in the following respects:

Paragraph (c) thereof is hereby amended to read:

(c) *Restrictions on use.* Except as specifically authorized by the Director of Industry Operations:

(1) No person shall use naphthenates for any purpose, be it a defense use or otherwise, if suitable substitutes are available and can be used for the same purpose.

(2) On and after May 5, 1942, no person shall use driers containing more than 40% by weight, dry basis, of naphthenates in the manufacture of paints, varnishes and related products except to fill orders to which a preference rating of A-2 or higher has been assigned or extended.

(3) On and after May 5, 1942, no person shall use naphthenates or any mixture (excepting a mixture which is a cleaning compound, grease, compounded lubricating oil, or other lubricant) containing more than 1% by weight, dry basis, of naphthenates except to fill orders to which a preference rating of A-10 or higher has been assigned or extended.

(4) The restrictions of paragraphs (c) (2) and (c) (3) hereof shall not prevent the use by any manufacturer in his own manufacturing operations of materials which as of the close of business on May 4, 1942, were owned by him.

Paragraph (d) (2) thereof is hereby amended to read as follows:

(2) *Deliveries of naphthenates:* On and after May 5, 1942, except as specifically authorized by the Director of Industry Operations or for purposes of resale, no person shall sell or deliver naphthenates or any mixture (excepting a mixture which is a cleaning compound, grease, compounded lubricating oil or other lubricant) containing more than 1% by weight, dry basis, of naphthenates or driers containing more than 40% by weight, dry basis, of naphthenates except to fill orders to which the preference ratings specified in paragraphs (c) (2) and (3) have been assigned or extended.

The first sentence of paragraph (e) (2) (i) thereof is hereby amended to read as follows:

(i) Each person requiring naphthenates or any mixture (excepting a mixture which is a cleaning compound, grease, compounded lubricating oil or other lubricant) containing more than 1% by weight, dry basis, of naphthenates for his own use or for resale on and after May 5, 1942, shall place his order for naphthenates with his supplier at least three days before the desired shipping date, except that such three-day interval shall not be necessary where the order is one to which a rating of A-1-k or higher has been assigned or extended.  
\* \* \*

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5110; Filed, June 1, 1942;  
11:50 a. m.]

#### PART 1225—CONSTRUCTION LUMBER

[Amendment 1 to Limitation Order No. L-121]

##### Correction

Paragraph (a) (1) (i) of General Limitation Order L-121 appearing at page 4031 of the issue of Saturday, May 30, 1942 is corrected to read as follows:

(i) Any joists, planks, beams, stringers or timbers of any softwood species, in Grade No. 1 and all structural stress-grades, in nominal sizes of 3 inches thick and thicker, by 4 inches wide and wider, by 10 feet long and longer.

#### PART 1253—BERYLLIUM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of beryllium for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1253.1 *General Preference Order M-160*—(a) *Definitions.* For the purposes of this order:

(1) "Beryllium" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing beryllium, commercially recognized;

(ii) The element beryllium, sometimes known as "glucinum", in commercially pure form;

(iii) Any alloy containing 3% (three percent) or more by weight of the element beryllium;

(iv) All chemical compounds containing beryllium as an essential and recognizable component;

(v) All scrap or secondary materials containing commercially recoverable beryllium, as defined in (i), (ii), (iii) and (iv) above.

(b) *Allocations.* Hereafter, no person shall deliver or accept delivery of beryllium except as specifically authorized by the Director of Industry Operations. The Director will from time to time allocate the supply of beryllium and specifically direct the manner and quantities in which deliveries thereof shall be made and accepted; and the Director may also issue specific directions as to the manner and quantities in which beryllium may be processed for particular purposes or end uses. The Director may require any person seeking to place a purchase order for beryllium to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Reports.* (1) Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of beryllium unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board, and with any supplier with whom he may place an order for beryllium, an application on Form PD-496, and in addition shall have filed with the War Production Board a report on Form PD-497.

(2) Any person who, on the first day of June or any month thereafter, has in his possession or under his control any beryllium in excess of ten (10) pounds (beryllium content) shall file with the War Production Board a report on Form PD-497 not later than the 20th day of such month even though he does not desire delivery of beryllium during the next succeeding month.

(3) Failure by any person to file an application pursuant to subparagraph (b) (1) may be construed as notice to the Director of Industry Operations and to all suppliers of beryllium that such person does not desire an allocation of beryllium for the next succeeding month.

(d) *Exceptions.* (1) Notwithstanding any other provision of this order, any person may, until July 1, 1942, deliver beryllium for the purpose of producing any article which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer which assigns a rating of A-1-c or higher.

<sup>1</sup> 7 F.R. 3368.



(2) Beryllium may be delivered without the specific authorization of the Director of Industry Operations to the Metals Reserve Company or to any other Corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act, as amended (15 U.S.C., section 606 (b)), or to any duly authorized agent of such Corporation.

(e) *Special directions.* The Director of Industry Operations may from time to time issue specific directions or prohibitions with respect to the permissible kind of quantity of beryllium in the composition of any material or product, and he may also in his discretion direct the use of any practical substitute in lieu of beryllium in the production of any materials or products.

(f) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *General Imports Order M-63<sup>1</sup> unaffected.* Nothing contained in this order shall be construed as altering or modifying in any way the provisions of General Imports Order M-63 applicable to beryllium.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference: M-160. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5109; Filed, June 1, 1942;  
11:50 a. m.]

#### PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[General Inventory Order M-161]

§ 1255.1 *General Inventory Order M-161—(a) Exception to general inventory restrictions.* Notwithstanding the

<sup>1</sup> 6 F.R. 6796; 7 F.R. 206, 2094, 2708, 3327, 3850.

provisions of any regulation or order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, or any other regulation or order which may hereafter be issued but which does not expressly relate to a material listed on Schedule A attached hereto, any person may make deliveries of such material, and any person may accept deliveries of such material from any other person, although the inventory of such material in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving any material listed on said Schedule A shall be subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time.

(c) *Effective date.* This order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

#### SCHEDULE A

Bentonite.  
Kaolin.  
Ball Clay.  
Stoneware Clay.  
Diatomaceous Earth.  
Feldspar.  
Spodumene.  
Potter's Flint.  
Domestic Andalusite.  
Domestic Dumortierite.  
Domestic Kyanite.  
Domestic Sillimanite.  
Pinite.  
Pyrophyllite.  
Soapstone.  
Talc.

[F. R. Doc. 42-5121; Filed, June 1, 1942;  
11:51 a. m.]

#### PART 1273—STYRENE

[General Preference Order M-170]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Styrene, as hereinafter defined, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1273.1 *General Preference Order M-170—(a) Definitions.* For the purposes of this order:

(1) "Styrene" means styrene (vinyl benzene) in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of styrene and includes any person who has styrene produced for him pursuant to toll agreement.

(b) *Restrictions on use and delivery of styrene.* Except as otherwise specifically authorized or directed by the Director of Industry Operations, on and after June 1, 1942, no producer shall use or deliver styrene; and no person shall accept delivery of styrene if said delivery would be made in violation hereof.

(c) *Applications for use or delivery of styrene.* Producers seeking to use or deliver and persons seeking delivery of styrene shall make application therefor to the Director of Industry Operations, War Production Board, attention Chemicals Branch, Reference M-170.

(d) *Reports.* Reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch, War Production Board.

(e) *Notification of customers.* Producers of styrene shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(f) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5108; Filed, June 1, 1942;  
11:49 a. m.]

#### PART 1274—CHLORATE CHEMICALS

[General Preference Order M-171]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Chlorate Chemicals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1274.1 *General Preference Order M-171—(a) Definitions.* (1) "Chlorate



chemicals" means potassium chlorate, sodium chlorate, barium chlorate, potassium perchlorate, ammonium perchlorate, perchloric acid and any other chlorate or perchlorate chemical.

(2) "Producer" means any person engaged in the production of chlorate chemicals and includes any person who has chlorate chemicals produced for him pursuant to toll agreement.

(3) "Distributor" means any person (including any farmer's cooperative) who has purchased or purchases chlorate chemicals for purposes of resale.

(b) *Restrictions on deliveries.* (1) On and after June 1, 1942, except as provided in paragraph (b) (4) hereof, no producer or distributor shall make delivery of chlorate chemicals to any person unless and until he shall have been authorized or directed to do so by the Director of Industry Operations; and no person shall knowingly accept delivery of chlorate chemicals if such delivery would be in violation hereof. During June, 1942 and prior to the beginning of each calendar month beginning with July 1942, the Director of Industry Operations will issue to all producers and, directly or indirectly, to all distributors specific authorizations or directions covering deliveries of chlorate chemicals which may or must be made by such producers or distributors during such month. Such authorizations or directions will be based primarily upon insuring the satisfaction of all defense requirements and, in so far as possible, providing an adequate supply for essential civilian uses. Each producer and distributor of chlorate chemicals, upon being informed by the Director or Industry Operations of the deliveries which such Director has authorized or directed, shall forthwith notify his customers of the extent or nature of such authorization or direction as the same may affect them.

(2) If prior to the first day of any month beginning with July, 1942 any producer or distributor shall not directly or indirectly have received from the Director of Industry Operations authorizations or directions covering deliveries of chlorate chemicals to be made by him during such month, such producer or distributor may make deliveries of chlorate chemicals during such month in accordance with, and only in accordance with, the schedules of deliveries for such month filed with the War Production Board pursuant to paragraph (c) (3) hereof: *Provided, however,* That at any time during such month the Director of Industry Operations may issue authorizations or directions with respect to future deliveries to be made in such month.

(3) In the event that any producer or distributor, after receiving notice from the Director of Industry Operations with respect to a delivery of chlorate chemicals which he is authorized or directed to make during any month, shall be unable to make such delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board,

and shall not in the absence of a specific authorization from the Director of Industry Operations resell or otherwise dispose of the chlorate chemicals which he is unable to deliver as aforesaid.

(4) Nothing herein shall prevent the delivery of chlorate chemicals by any person to any other person in any month in a quantity of ten pounds or less.

(5) No authorization or direction issued hereunder covering deliveries of chlorate chemicals shall be considered to dispense with any requirement for an explosives license imposed by any applicable law.

(c) *Placing of orders and scheduling of deliveries.* (1) Every person who seeks delivery of chlorate chemicals, whether for own use or resale, shall place his order with his supplier for his requirements for each calendar month and except as provided in paragraph (c) (2) hereof shall submit with his order Form PD-516, properly executed by him. Where such supplier is a distributor, such order and Form PD-516 shall be filed with such distributor on or before the 5th day of the month preceding the month in which delivery is sought, and such Form PD-516 shall be filed in triplicate. Where such supplier is a producer, such order and Form PD-516 shall be filed with such producer on or before the 10th day of such preceding month and such Form PD-516 shall be filed in duplicate. Where the order filed with a producer is the order of a distributor, the distributor must file with the producer in addition to his own Form PD-516, in duplicate, the original and one copy of each Form PD-516 filed with him pursuant to this paragraph (c) (1) by each customer of his.

(2) Nothing herein shall require any person seeking delivery of chlorate chemicals for use solely as a weed killer to file any Form PD-516 with his order for chlorate chemicals, provided he shall be a holder of a United States explosives license issued by the Bureau of Mines of the Department of Interior and shall file with his supplier with his order a copy of such license or satisfactory proof thereof.

(3) Each producer of chlorate chemicals shall, on or before the 15th day of each month file with the Chemical Branch of the War Production Board, Washington, D. C., Form PD-515 (in triplicate), properly executed, which shall list among other things a schedule of deliveries of chlorate chemicals which such producer proposes to make in the succeeding month, and the orders which have been filed with him which he has not scheduled for delivery during such month. The original of each Form PD-515 shall be accompanied by the original of each Form PD-516 submitted to the Producer and listed on said Form PD-515. After such forms have been filed with such Chemicals Branch, any material change of circumstances or matters occurring thereafter pertaining to said Form PD-515 shall forthwith be reported to such Chemicals Branch.

(d) *Prohibitions against use.* No person in the absence of specific authorizations of the Director of Industry Opera-

tions shall mix chlorate chemicals with inert materials, including, for example, ground glass, sand and zinc oxide, for the purpose of selling the resulting mixture for domestic use or for export, whether under the name "oxidizing mixture" or otherwise.

(e) *Production directions.* The Director of Industry Operations may from time to time issue directions to any producer with respect to the specific chlorate chemical to be produced by such producer, or with respect to the division of production by such producer among two or more chlorate chemicals.

(f) *Miscellaneous provisions.*—(1) *Reports.* All persons shall file such reports as may from time to time be directed by the Director of Industry Operations.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(5) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: M-171.

(7) *Violations or false statements.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5122; Filed, June 1, 1942; 12:01 p. m.]



## Chapter XI—Office of Price Administration

## PART 1301—MACHINE TOOLS

[Amendment 11 to Revised Price Schedule 67<sup>1</sup>]

GOULD &amp; EBERHARDT, INC., MAXIMUM PRICES FOR NEW MACHINE TOOLS, ETC.

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register. New subparagraph (11) is added to § 1301.51 (a), new subparagraph (6) is added to § 1301.54 (e) as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) \* \* \*

(11) Gould & Eberhardt, Inc., Newark, New Jersey. Notwithstanding any other provision of this paragraph (a), regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Gould & Eberhardt, Inc., may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy or accept delivery from Gould & Eberhardt, Inc., of, any of the one hundred (100) Universal Tables for its 16", 16/20", 20" or 20/24" Industrial Shapers, manufactured or to be manufactured by the American Munitions Division of the American Type Founders Corporation of Elizabeth, New Jersey, as subcontractor, shall be \$625.00.

§ 1301.54 *Records and reports.* \* \* \*  
(e) \* \* \*

(6) Gould & Eberhardt, Inc., Newark, New Jersey, shall file with the Office of Price Administration, Washington, D. C., the name of the purchaser of each of the one hundred (100) Universal Tables for its 16", 16/20", 20", and 20/24" Industrial Shapers manufactured by the American Munitions Division of the American Type Founders Corporation, as subcontractor, whose October 1, 1941 list price has been increased under § 1301.51 (a) (11) hereof before June 1, 1942, or within five days after the delivery of each such table.

§ 1301.59a *Effective dates of amendments.* \* \* \*

(k) Amendment No. 11 (§§ 1301.51 (a) (11) and 1301.54 (e) (6)) to Revised Price Schedule No. 67 shall become effective June 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of May 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-5045; Filed May 29, 1942; 4:49 p. m.]

## PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 11 to Revised Tire Rationing Regulations<sup>2</sup>]

## TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES AND CAMELBACK

Sections 1315.302 (c), 1315.308 and 1315.309 are amended to read as follows:

<sup>1</sup> 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680, 2996, 3445.

<sup>2</sup> 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.

## Tire and Tube Quotas

§ 1315.302 *Monthly quotas to be set by the office of Price Administration.* \* \* \*

(c) The Office of Price Administration will withhold a portion of each quota as a national reserve to be administered by it for the making of such adjustments as it may deem necessary, as provided in § 1315.308 and will withhold a further portion of each quota as a regional reserve to be administered by the Regional Administrator of the Office of Price Administration of each region, for the making of such adjustments as he may deem necessary, as provided in § 1315.308. The Office of Price Administration will also withhold a portion of each quota as a State reserve to be administered by the State Rationing Administrator of such State for the purpose of making necessary adjustments of quotas for counties within the State, as provided in § 1315.307 (c).

§ 1315.308 *Adjustment of State and regional quotas.* (a) A Regional Administrator of the Office of Price Administration may draw upon the regional reserve provided for in § 1315.302 (c) to adjust the quotas within the different States of his region, as he may determine. Each State Rationing Administrator may apply for an allotment from the regional reserve held by the Regional Administrator of the Office of Price Administration of his region, to augment the State reserve held under his control. Each such application shall be accompanied by a statement setting forth in full the facts giving rise to such application.

(b) The Office of Price Administration may draw upon the national reserve provided for in paragraph (c) of § 1315.302 to adjust the quotas within the different regions, as it may determine. Each Regional Administrator shall apply for an allotment from the national reserve held by the Office of Price Administration to augment the regional reserve held under his control. Each such application shall be accompanied by a statement, setting forth in full the facts giving rise to such application.

§ 1315.309 *Records and reports.* The regional Administrators, the State Rationing Administrators, the Local Rationing Administrators and the Boards shall maintain such records and file such reports in such form as may be required by the Office of Price Administration with respect to the allotment and disposition of quotas.

§ 1315.1199a *Effective dates of amendment.* \* \* \*

(k) Amendment No. 11 (§§ 1315.302 (c), 1315.308 and 1315.309) to Revised Tire Rationing Regulations shall become effective June 1, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M-15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 29th day of May 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc 42-5044; Filed, May 29, 1942; 4:48 p. m.]

## PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 3 to Maximum Price Regulation 136<sup>1</sup>]

## MACHINES AND PARTS, EFFECTIVE DATE

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Section 1390.1 (a) is amended by substituting the words "July 1, 1942" for the words "June 1, 1942," and § 1390.14 is amended to read as set forth below:

§ 1390.14 *Effective date.* This Maximum Price Regulation No. 136 (§§ 1390.1 to 1390.16, inclusive) shall become effective July 1, 1942.

§ 1390.14a *Effective dates of amendments.* \* \* \*

(c) This Amendment No. 3 (§§ 1390.1 (a), 1390.14) shall become effective June 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of May 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-5043; Filed, May 29, 1942; 4:49 p. m.]

## PART 1316—COTTON TEXTILES

[Amendment No. 6 to Revised Price Schedule No. 89]

## BED LINENS

## Correction

A line of type is missing in paragraph (c) of § 1316.104 (7 F.R. 3962). The paragraph should read as follows:

(c) No bed linens (except grey sheeting, print-cloth, and back-filled type bed linens) shall be sold on or after March 2, 1942 in any transaction subject to the provisions of this Revised Price Schedule No. 89 unless each piece bears a label containing:

## PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[Amendment 3 to Maximum Price Regulation 129<sup>2</sup>]

A Statement of Considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Amended: §§ 1347.11 (c) and 1347.22 (a) (3).

Waxed paper.  
Envelopes.  
Paper cups, paper containers and liquid tight containers.  
Sanitary closures and milk bottle caps.  
Drinking straws.  
Certain sulphate and certain sulphite papers.  
Certain tissue papers.  
Rope and jute papers.  
Technical papers.  
Gummed papers.

<sup>1</sup> 7 F.R. 3198, 3370, 3447, 3723.

<sup>2</sup> 7 F.R. 3178, 3242, 3482, 3554.



Tags, pin tickets and marking machine tickets.

Glazed and fancy papers.

Standard grocer's and variety bags.

Resale book matches.

Unprinted single weight crepe paper in folds.

Certain bag papers.

Certain wrapping papers.

§ 1347.11 *Prohibition against dealing in commodities above maximum price.* \* \* \*

(c) For the purposes of this Maximum Price Regulation No. 129, the "highest price charged" by the manufacturer during the applicable base period specified in this Maximum Price Regulation No. 129 shall be:

(1) The highest price which such manufacturer charged for a commodity sold by him during the applicable specified base period, or

(2) If the manufacturer made no such sale during the applicable specified base period, such manufacturer's highest offering price for delivery during that period.

Every manufacturer shall be required to continue all his customary allowances, discounts, and other price differentials. The "highest price charged" shall be a price charged during the applicable specified base period to a purchaser of the same class. But if a manufacturer had an established practice during the applicable specified base period of making allowances, discounts or price differentials to different classes of purchasers, and if during the applicable specified base period he raised his general level of prices but made no sale to any purchaser of a particular class, he shall, for that particular class of purchasers, calculate the highest price charged by taking the highest price charged during the applicable specified base period to a purchaser of another class and then adjusting such price to reflect his established allowances, discounts and price differentials. No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any commodity, than the manufacturer required purchasers of the same class to pay during the applicable specified base period on sales of the same or similar types of commodities.

\* \* \*  
§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term: \* \* \*

(3) "Sell" includes sell, supply, dispose, barter, exchange, lease and transfer, and contracts to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly, except that nothing in this Maximum Price Regulation No. 129 shall be construed to prohibit the making of a contract to sell a commodity included in this Maximum Price Regulation No. 129 at a price not to exceed the maximum price at the time of delivery.

\* \* \*  
§ 1347.25 *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3 (§ 1347.11 (c) and § 1347.22 (a) (3)) to Maximum Price Regulation No. 129 shall become effective June 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5076; Filed, May 30, 1942;  
12:48 p. m.]

#### PART 1363—FEEDINGSTUFFS

[Maximum Price Regulation 74,<sup>1</sup> as Amended]

##### ANIMAL PRODUCT FEEDINGSTUFFS

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 74, as amended, has been issued simultaneously herewith and filed with the Division of the Federal Register. §§ 1363.51 to 1363.61, inclusive, are amended and renumbered to read as set forth below:

**AUTHORITY:** §§ 1363.51 to 1363.62, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1363.51 *Maximum prices for animal product feedingstuffs.* On and after June 5, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver animal product feedingstuffs, and no person shall buy or receive animal product feedingstuffs at a price higher than the maximum price permitted by § 1363.62 and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The maximum prices shall include commissions and all other charges and shall not be increased by any charges for the extension of credit.

§ 1363.52 *Sales at retail.* Sales at retail as defined in § 1363.60 (a) (6) are excepted from the operation of Maximum Price Regulation No. 74, as amended.

§ 1363.53 *Less than maximum prices.* Lower prices than those set forth in § 1363.62 may be charged, demanded, paid, or offered.

§ 1363.54 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition for amendment or for adjustment or exception has been filed which requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1363.55 *Evasion.* The price limitations set forth in Maximum Price Regulation No. 74, as amended, shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to animal product feedingstuffs, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount,

premium or other privilege, or by tying-agreement or other trade understanding, misgrading, or otherwise.

§ 1363.56 *Records and reports.* (a) Every person making a purchase or sale of animal product feedingstuffs in the course of trade or business after May 1942, except sales at retail, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such purchase or sale including the date thereof, the name of the seller, and purchaser, the price, the classification, amount, and grade of animal product feedingstuffs. All records required by Maximum Price Regulation No. 74 prior to this amendment shall be kept for inspection by the Office of Price Administration for a period of not less than two years from January 20, 1942.

(b) Persons affected by Maximum Price Regulation No. 74, as amended, shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1363.57 *Enforcement.* (a) Persons violating any provisions of Maximum Price Regulation No. 74, as amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of Maximum Price Regulation No. 74, as amended, or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest Field, State, or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1363.58 *Petitions for amendment.* Persons seeking any modification of Maximum Price Regulation No. 74, as amended, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1363.59 *Applicability of General Maximum Price Regulation.*<sup>2</sup> Except as provided in § 1363.52, the provisions of the General Maximum Price Regulation shall not apply to any sale or delivery for which a maximum price is in effect at the time of such sale or delivery hereunder.

§ 1363.60 *Definitions.* (a) When used in Maximum Price Regulation No. 74, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Classifications" of Animal product feedingstuffs are: dry rendered tankage, wet rendered tankage, meat scraps and digester tankage.

<sup>1</sup> 7 F.R. 2243, 2543, 3270.

<sup>2</sup> 7 F.R. 3153, 3330, 3666.



(3) "Meat scraps" includes meat meal, meat and bone scraps, and meat scraps, and is defined as a product ground from dry rendered tankage for use in feeding livestock and poultry.

(4) "Digester tankage" includes meat meal tankage, feeding tankage, digester tankage with bone, meat and bone meal digester tankage, meat and bone meal tankage, feeding tankage with bone, and is defined as a product ground from wet or dry rendered tankage for use in feeding livestock and poultry.

(5) "Grade" refers to the percentage of protein content per ton of feeding-stuffs, except in the cases of wet rendered tankage when it refers to units of ammonia.

(6) "Sale at retail" means a sale to the feeder: *Provided*, That the following sales shall not be deemed to be a sale at retail:

(i) Sales of wet or dry rendered tankage.

(ii) Sales of animal product feeding-stuffs to a feeder by a processor or grinder or subsidiary of such processor or grinder.

(iii) Sales of animal product feeding-stuffs to a person who receive delivery and resells without processing or grinding to one other than a feeder.

(iv) To a person who mixes animal product feedingstuffs with other feed ingredients for sale.

(7) "Transportation costs" shall mean:

(i) Where shipment is by rail in carload quantities, the charge at the lowest railroad carload rate for the transportation of an identical quantity from seller's shipping point to the railroad siding designated by the buyer as his receiving point.

(ii) Where shipment is by rail in less than carload quantities, the charge at the lowest applicable railroad rate for the transportation of an identical quantity from the seller's shipping point to the buyer's receiving point.

(iii) Where shipment is by motor vehicle not owned or controlled by the seller, the lowest established public carrier (common or contract) charge for the transportation of an identical quantity from the seller's shipping point to the buyer's receiving point.

(iv) Where shipment is by motor vehicle owned or controlled by the seller, the charge computed at the lowest railroad carload rate for the transportation of an identical quantity from the seller's shipping point to the railroad siding nearest to the buyer's receiving point.

(v) Within the meaning of this subparagraph (7) animal product feeding-stuffs shall be deemed to be at its shipping point when it is placed on board a conveyance for shipment to the purchaser.

(8) Carload quantity means at least the minimum weight, as set forth in the tariffs of railroad carriers, upon which the railroad carload rate from the point of shipment to the point of destination is based: *Provided, however*, That where

a smaller quantity is shipped which would move at a railroad carload rate rather than at a railroad less-than-carload rate because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to the other terms used herein.

§ 1363.61 *Effective date.* This Maximum Price Regulation No. 74 as amended (§§ 1363.51 to 1363.62 inclusive), shall become effective June 5, 1942.

§ 1363.62 *Appendix A: Maximum prices for sales of animal product feedingstuffs.* (a) Maximum prices for sales of classifications of animal product feedingstuffs, bulk, less than carload lots f. o. b. conveyance at production plant or seller's warehouse located in the following zones.

(1) *Meat scraps and dry rendered tankage—*

*Zone 1—*California, Washington, and Oregon. Maximum prices: Meat scraps, bulk basis, \$58 per ton, basis 50 percent protein, or \$1.16 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$50.50 per ton, basis 50 percent protein, or \$1.01 per unit of protein, for other grades.

*Zone 2—*Idaho, Nevada, Utah, Montana, Wyoming, and Arizona. Maximum prices: Meat scraps, bulk basis \$62.00 per ton, basis 50 percent protein or \$1.24 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$54.50 per ton, basis 50 percent protein, or \$1.09 per unit of protein for other grades.

*Zone 3—*North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa and Buchanan County, Missouri. Maximum prices: Meat scraps, bulk basis, \$70 per ton, basis 50 percent protein, or \$1.40 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$62.50 per ton, basis 50 percent protein, or \$1.25 per unit of protein for other grades.

*Zone 4—*Michigan, Wisconsin, Illinois, Indiana, Ohio, Missouri (except Buchanan County), Kentucky, Oklahoma, Arkansas, Louisiana, Texas, Colorado, and New Mexico. Maximum prices: Meat scraps, bulk basis, \$68 per ton, basis 50 per cent protein, or \$1.36 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$60.50 per ton, basis 50 percent protein, or \$1.21 per unit of protein for other grades.

*Zone 5—*Tennessee, Alabama, Florida, Georgia, Mississippi, and South Carolina. Maximum prices: Meat scraps, bulk basis, \$66 per ton, basis 50 per cent protein, or \$1.32 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$58.50 per ton, basis 50 per cent protein, or \$1.17 per unit of protein for other grades.

*Zone 6—*West Virginia, western half of Pennsylvania divided at the eastern borders of the following counties: Pot-

ter, Cameron, Clearfield, Cambria, and Somerset; and western ten counties of New York divided by the eastern borders of the following counties; Monroe, Livingston and Alleghany. Maximum prices: Meat scraps, bulk basis, \$65 per ton, basis 50 per cent protein, or \$1.30 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$57.50 per ton, basis 50 per cent protein, or \$1.15 per unit of protein for other grades.

*Zone 7—*Those portions of New York and Pennsylvania not included in Zone 6 and New Jersey, Delaware, Maryland, Virginia, and North Carolina. Maximum prices: Meat scraps, bulk basis, \$62 per ton, basis 50 per cent protein, or \$1.24 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$54.50 per ton, basis 50 per cent protein, or \$1.09 per unit of protein for other grades.

*Zone 8—*Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. Maximum prices: Meat scraps, bulk basis, \$63 per ton, basis 50 per cent protein, or \$1.26 per unit of protein, for other grades. Dry rendered tankage, bulk basis, \$55.50 per ton, basis 50 per cent protein, or \$1.11 per unit of protein for other grades.

(2) *Digester tankage and wet rendered tankage—*

*Zone 1—*Washington, Oregon, California, Nevada, Utah, Idaho, and Arizona. Maximum prices: Digester tankage, bulk basis, \$66 per ton, basis 60 per cent protein, or \$1.10 per unit of protein for other grades. Wet rendered tankage, bulk basis, \$4.96 per unit of ammonia.

*Zone 2—*All states except those listed in Zone 1 and Zone 3. Maximum prices: Digester tankage, bulk basis, \$71 per ton, basis 60 per cent protein, or \$1.18½ per unit of protein for other grades. Wet rendered tankage, bulk basis, \$5.37 per unit of ammonia.

*Zone 3—*Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Virginia, West Virginia, Maryland, Delaware, North Carolina and South Carolina. Maximum prices: Digester tankage, bulk basis, \$66 per ton, basis 60 per cent protein, or \$1.10 per unit of protein for other grades. Wet rendered tankage, bulk basis, \$4.96 per unit of ammonia.

(3) *Other guaranteed minimum percentages of protein or ammonia.* To determine the maximum zone price, bulk basis, per ton, for seller's guaranteeing percentages of protein or ammonia other than those specified in subparagraphs (1) or (2) of this paragraph (a), multiply the guaranteed minimum percentage of protein or ammonia by the zone price per unit of protein or per unit of ammonia. There shall be no rounding of maximum prices per ton to the nearest half dollar.

(b) *Maximum prices in bags or other containers.* To determine maximum prices in bags or other containers add cost of bags or other containers used at replacement cost at production point of



the animal product feedingstuffs to the maximum selling price of the same type and grade as determined under paragraph (a) of this section, but in no event may more than \$3.50 per ton be added to cover cost of bags or other containers.

(c) *Maximum delivered prices.* To determine maximum delivered prices, add the seller's transportation costs as defined in § 1363.60 (a) (7) to the maximum prices determined under paragraphs (a) or (b), of this section, whichever is applicable.

(d) *Maximum grinder's service charges.* The maximum service charge of a grinder for grinding dry or wet rendered tankage shall be so limited that the cost of the meat scraps and digester tankage to any person delivered at his point of delivery shall not exceed the maximum prices of meat scraps and digester tankage delivered to the buyer's receiving point as determined under paragraph (c) of this section if purchased by said person from said grinder.

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5075; Filed, May 30, 1942;  
12:46 p. m.]

#### PART 1382—HARDWOOD LUMBER

[Amendment 1 to Maximum Price Regulation 146<sup>1</sup>]

##### APPALACHIAN HARDWOOD LUMBER

A Statement of the Considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The date "June 1, 1942" in § 1382.12 (b) is amended to read "June 15, 1942" and a new § 1382.10a is added as set forth below:

§ 1382.10a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1382.12 (b) and 1382.10a) to Maximum Price Regulation No. 146 shall become effective June 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5082; Filed, May 30, 1942;  
12:51 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Designation of 28 Defense-Rental Areas and Rent Declaration Relating to Such Areas]

The title and item (26) listed in the table of § 1388.1101<sup>2</sup> of this designation and rent declaration are amended to read as set forth below:

*Designation and Rent Declaration No. 23—Designation of 28 Defense-Rental Areas and Rent Declaration Relating to Such Areas*

\* \* \* \* \*  
§ 1388.1101 *Designation.* \* \* \*

Name of defense-rental area <sup>1</sup>	In State or States of—	Defense rental area consists of—
(26) Petersburg.	Virginia...	Independent Cities of Hopewell and Petersburg; Counties of Dinwiddie and Prince George; in the County of Chesterfield the Magisterial District of Matoaca.
* * *	* * *	* * *

<sup>1</sup> The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Annisson Defense-Rental Area", "Jacksonville, Florida Defense-Rental Area."

This Amendment No. 1 (§ 1388.1101) shall become effective May 30, 1942: *Provided, however,* That the effective date of the designation and rent declaration issued by the Price Administrator on April 28, 1942 (§§ 1388.1101 to 1388.1105, inclusive) as to the defense-rental areas designated therein, including that portion of the Petersburg Defense-Rental Area consisting of the Independent City of Petersburg and the Counties of Dinwiddie and Prince George in Virginia, shall not be altered by this Amendment No. 1. (Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5080; Filed, May 30, 1942;  
12:50 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2 to Designation of 259 Defense-Rental Areas and Rent Declaration Relating to Such Areas]

The title and items (67), (237), and (249) listed in the table of § 1388.1201<sup>1</sup> are amended to read as set forth below:

*Designation and Rent Declaration No. 25—Designation of 259 Defense-Rental Areas and Rent Declaration Relating to Such Areas*

Name of defense-rental area <sup>1</sup>	In State or States of—	Defense-rental area consists of—
(67) Clinton-Newport.	Indiana... Illinois....	Counties of Parke and Vermillion; Counties of Edgar and Vermillion.
(237) Richmond, Virginia.	Virginia...	Independent City of Richmond and the County of Henrico; in the County of Chesterfield the Magisterial Districts of Bermuda, Clover Hill, Dale, Manchester, and Midlothian.
(249) Point Pleasant-Gallipolis.	West Virginia... Ohio.....	Counties of Jackson and Mason; Counties of Gallia and Meigs.
* * *	* * *	* * *

<sup>1</sup> The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area", "Gadsden Defense-Rental Area."

<sup>1</sup> 7 F.R. 3195, 3892.

This Amendment No. 2 (§ 1388.1201) shall become effective May 30, 1942: *Provided, however,* That the effective date of the designation and rent declaration issued by the Price Administrator on April 28, 1942 (§§ 1388.1201 to 1388.1205, inclusive) as to the defense-rental areas designated therein, including that portion of the Clinton-Newport Defense-Rental Area consisting of the Counties of Parke and Vermillion in Indiana; the Richmond, Virginia Defense-Rental Area; and that portion of the Point Pleasant-Gallipolis Defense-Rental Area consisting of the County of Mason in West Virginia and the County of Gallia in Ohio, shall not be altered by this Amendment No. 2. (Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5079; Filed, May 30, 1942;  
12:50 p. m.]

#### PART 1398—OFFICE AND STORE MACHINES

[Amendment 2 to Revised Rationing Order 4<sup>1</sup>]

##### NEW AND USED TYPEWRITERS

In § 1398.102 (b) new subparagraphs (5) and (6) are added, in § 1398.103 new subparagraphs (4) and (5) are added to paragraph (a) and new subparagraph (13) is added to paragraph (b), and paragraph (d) is amended to read, as set forth below:

§ 1398.102 *Persons eligible to receive typewriters without application.* \* \* \*

(b) *Used typewriters.* \* \* \*

(5) Any person who buys or otherwise acquires any store, business, plant, or other enterprise for the purpose of continuing such enterprise at the same location, may acquire any typewriters included among the assets of such enterprise.

(6) Any person who, prior to March 6, 1942, has traded in a typewriter to a manufacturer, wholesaler, or dealer, for another typewriter which cannot be sold or delivered because of any applicable order or regulation, may re-acquire title to the typewriter traded in and may secure its return if it has been delivered to the manufacturer, wholesaler, or dealer; or, if resold by the manufacturer, wholesaler or dealer to a third person, may acquire a comparable typewriter of the same model, condition, and approximate serial number from the manufacturer, wholesaler or dealer. Where the number of typewriters delivered by the manufacturer, wholesaler or dealer, though less than the number contracted for delivery, was greater than the number of typewriters traded in, no trade-ins may be re-acquired. Where no typewriters were delivered by the manufacturer, wholesaler or dealer, the number of typewriters that may be re-acquired pursuant to this subparagraph shall be the number of typewriters traded in. Where the number of typewriters delivered by the manufacturer, wholesaler or dealer is less than the number of typewriters traded in, the number of type-

<sup>1</sup> 7 F.R. 2317.

<sup>1</sup> 7 F.R. 3776.

<sup>2</sup> 7 F.R. 3193.



writers that may be re-acquired pursuant to this subparagraph shall be the number of typewriters traded in minus the number of typewriters delivered by the manufacturer, wholesaler or dealer.

§ 1398.103 *Persons eligible to receive new or used typewriters upon certified application*—(a) *Non-portables*. \* \* \*

(4) Accredited representatives and official missions and commissions of the Governments of the United Nations for official use in the United States, its territories, possessions and the Panama Canal Zone.

(5) Army Exchanges and Ship's Service Stores for their official use.

(b) *Portables*. \* \* \*

(13) Persons who are blind, near-blind, or otherwise physically handicapped may buy or receive portable typewriters designed for the use of persons so handicapped.

\* \* \* \* \*

(d) *Application for special typewriters*. Any special typewriter ordered from a manufacturer and specifically allocated by the War Production Board to the Office of Price Administration for rationing, or any special typewriter in the stock of any dealer or wholesaler: (1) which has special features which render it unusable except by the person making application pursuant to this paragraph or a small class of persons similarly situated; and (2) which cannot be made generally usable for correspondence, statistical or billing purposes by moderate alterations; and (3) whose special features were installed or were ordered installed prior to March 6, 1942 by the person making application pursuant to this paragraph; and (4) for which the applicant has immediate need in accordance with the provisions of paragraph (c) of this section, may be delivered to any person in exchange for a local rationing board certificate obtained pursuant to paragraphs (a), (b) and (c) of this section and § 1398.105, or to any person who is not eligible to obtain a certificate, as follows:

(i) Any person who is not eligible to obtain a certificate pursuant to paragraphs (a), (b) and (c) of this section and § 1398.105, may make written application to the Office of Price Administration, Washington, D. C., for authorization to obtain delivery of a special typewriter. The application shall be submitted in triplicate and shall specify in full detail the facts and circumstances upon which it is based, including, but not limited to, the matters set forth above in (1), (2), (3) and (4) of this paragraph, the model number, the keyboard arrangement, the kind of type, the inbuilt features, and the name and address of the seller. The Office of Price Administration, if it is satisfied that all the applicable requirements hereof have been complied with, will issue authorization to the applicant to receive and to the manufacturer, dealer or wholesaler to deliver such typewriter.

§ 1398.112 *Effective dates of amendments*. \* \* \*

(b) Amendment No. 2, (§§ 1398.102 (b) (5), (b) (6), 1398.103 (a) (4), (a) (5), (b) (13) and (d) to Revised Rationing Order No. 4 shall become effective June 4, 1942.

(Pub. Law 421, 77th Cong., WPB, Directive No. 1, Supplementary Directive No. 1D, and Conversion Order No. L-54-A. 7 F.R. 562, 7 F.R. 1792, 7 F.R. 2130)

Issued this 30th day of May, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5074; Filed, May 30, 1942;  
12:46 p. m.]

#### PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK SYNTHETICS AND ADMIXTURES

[Amendment No. 2 to Maximum Price Regulation No. 127<sup>1</sup>]

##### FINISHED PIECE GOODS

A statement of the considerations involved in this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1400.77 is amended, six new subparagraphs (33) to (38), inc., are added to § 1400.78 (c), in § 1400.81 (a) subparagraphs (2) and (3) are amended and two new subparagraphs (9) and (10) are added, in § 1400.82 paragraphs (a), (b) and (c) are amended, a new subparagraph (6) is added to paragraph (e), paragraph (f) is amended, in paragraph (g) subparagraph (1) and Table III in subparagraph (4) are amended, in paragraph (h) subparagraphs (3) and (4) are amended, in paragraph (i) subparagraph (1) subparagraphs (2) (ii), (2) (v), (2) (vi), and subparagraph (3) are amended and subparagraphs (2) (i), (2) (iii) are revoked, and a new subparagraph (4) is added, as set forth below:

§ 1400.77 *Details required in contract of sale or invoice*. (a) Every seller of finished piece goods shall, with respect to each sale thereof, deliver to the purchaser and the purchaser shall retain as a part of his records, either a contract of sale or an invoice which shall contain, in addition to the terms thereof, a full description of each type, quality and finish of finished piece goods sold, or a style number or symbol sufficient to identify in the seller's records maintained pursuant to § 1400.75 hereof, the full details of the construction so delivered.

(b) If the seller is the converter of the fabric sold, the contract of sale or invoice shall contain a statement of the division factor (as specified in § 1400.82 (g)) used in determining the maximum price.

(c) If the seller is a wholesaler, jobber or converter-jobber selling jobbed goods, the contract of sale or invoice shall contain:

(1) If the purchaser is a person other than a wholesaler, jobber, converter-

jobber or export merchant, a statement of the division factor used in computing the selling price or a statement that the net selling price does not exceed the maximum price permitted under Maximum Price Regulation No. 127;

(2) If the purchaser is a wholesaler, jobber, converter-jobber, or export merchant, a statement showing:

(i) The selling price; and

(ii) The exact maximum price which the seller would be entitled to charge Class I and Class II purchasers.

§ 1400.78 *Exempt sales*. \* \* \*

(c) Sales or purchases of:

\* \* \* \* \*

(33) Yarn-dyed fabrics predominantly used for upholstery, furniture and automobile slip covers, or draperies.

(34) Pound goods.

(35) Remnants less than 10 yards in length and individual dress length remnants less than 10 yards in length sold by the piece or by the bundle.

(36) Rubber coated fabrics.

(37) Fabrics coated with vinyl chloride resin.

(38) Velvets woven on a velvet or plush loom.

§ 1400.81 *Definitions*. (a) When used in this Maximum Price Regulation No. 127, the term:

\* \* \* \* \*

(2) "Finished piece goods" means woven fabrics, more than 12 inches in width, bleached, dyed, printed, mercerized or otherwise finished or processed, composed—in the amount of seventy-five percent or more by weight—of either cotton fibre or chemically produced yarn or fibre made from cellulose or with a cellulose base, or of any mixtures thereof, regardless of what other material may be included in the fabric.

(3) "Class I purchaser" includes a cutter, manufacturer, export merchant, foreign purchaser or agent of a foreign purchaser, jobber, wholesaler, converter-jobber, chain store, mail order house, hospital, prison, hotel chain, any agency of the federal government, any agency of a state, county or municipal government, and any similar class of purchaser not specifically enumerated herein.

\* \* \* \* \*

(9) "Converter-jobber" means a converter who is also regularly engaged in performing, in addition to his converting business, the function of a jobber or wholesaler, and includes a jobber or wholesaler controlling, controlled by or under common control with a converter.

(10) "Atlantic seaboard States" means Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, District of Columbia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Florida, Kentucky, Alabama and Mississippi.

§ 1400.82 *Appendix A: Maximum prices for finished piece goods*—(a) *Method of determining maximum prices*.

<sup>1</sup> 7 F.R. 3199, 3242.



Except as otherwise specifically provided in this section, the maximum net selling price, f. o. b. point of shipment<sup>6a</sup> for finished piece goods shall be the aggregate of the five items set forth below in this paragraph (subparagraphs (1) to (5), inclusive) divided by the appropriate division factor set forth in paragraph (g) of this section:

(1) Basic grey goods cost, determined in accordance with paragraph (b) of this section.

(2) The grey freight, determined in accordance with paragraph (c) of this section.

(3) Working allowance, determined in accordance with paragraph (d) of this section.

(4) Finishing cost, determined in accordance with paragraph (e) of this section.

(5) Put up charges, determined in accordance with paragraph (f) of this section.

(b) *Basic grey goods cost.* (1) Except as otherwise specifically provided in this paragraph and in paragraph (d) of this section, the basic grey goods cost to be used in determining the maximum price for finished piece goods shall be no higher than the actual invoice cost of the grey goods whether for full lengths, firsts, seconds, or short lengths, exclusive of factoring, interest, insurance, storage or other charges, and exclusive of any charges for partial finishing processes performed prior to the acquisition of the goods by the person selling the finished goods. In no case (except as provided in subparagraph (4) of this paragraph) shall the basic grey goods cost exceed the established maximum price for the grey goods on the day such goods were or are acquired.

(2) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the basic grey goods cost to be used in computing the maximum price under paragraph (a) shall be determined as follows:

(i) For grey or partially finished goods acquired from an outside source other than a subsidiary or affiliate, the basic grey goods cost shall be computed in accordance with subparagraph (1) above.

(ii) For grey goods produced by such person or by a subsidiary or affiliate, for which maximum prices are established by Revised Price Schedule No. 11,<sup>7</sup> Revised Price Schedule No. 35,<sup>2</sup> or Revised Price

Schedule No. 23, as Amended,<sup>8</sup> the basic grey goods cost shall be no higher than the established maximum price therefor on the day the contract for the sale of finished piece goods is made, or on the day the goods enter into the finishing process, whichever is earlier.

(iii) For any other grey goods produced by such person or by a subsidiary or affiliate,<sup>9</sup> the basic grey goods cost shall be no higher than the maximum price which would be applicable for a sale of such grey goods to a converter on the day the contract for the sale of finished piece goods is made, or on the day the goods enter into the finishing process, whichever is earlier.

(3) For finished piece goods which are produced from grey goods produced in and imported from a foreign country, the basic grey goods cost shall be no higher than the actual landed, duty paid, cost of such grey goods.

(4) If the basic grey goods cost of finished piece goods in existing inventory on May 4, 1942, or of goods which on that date have been started through the finishing process cannot be determined because the lots cannot be identified with reference to particular purchases of grey goods, then the basic grey goods cost used in determining the maximum price for such finished piece goods in inventory or in process shall be no higher than the established maximum price for the grey goods on May 4, 1942.

(5) Where a converter enters separate lots of grey goods into the same finishing lot,<sup>10</sup> and the grey goods are acquired at varying prices, he may, for the purpose of computing the basic grey goods cost, take the weighted average<sup>11</sup> cost of such grey goods.

(c) *Grey freight.* (1) Subject to the other provisions of this paragraph (c), the grey freight which may be included

<sup>6</sup> 7 F.R. 2899, 2966, 2945.

<sup>9</sup> This includes, but is not limited to, grey goods which would, if sold, be subject to Maximum Price Regulation No. 118—Cotton Products. 7 F.R. 3038.

<sup>10</sup> A "finishing lot" shall consist of the goods allocated in accordance with a specific order from a converter or allocated by a vertical organization to a particular finishing job: *Provided*, That if the grey goods are mingled in a bleach lot before being allocated to a finishing lot, the weighted average cost may be computed on the bleach lot and used thereafter as the basic grey goods cost for each finishing lot derived from such bleach lot: *Provided further*, That if any unused portion of a bleach lot on which an average cost has been determined is subsequently combined with another lot of grey or bleached goods, the previously determined weighted average cost of such unused portion shall be used for such previously unused portion in computing the weighted average cost of the new mingled lot.

<sup>11</sup> The "weighted average" cost means the cost computed on the basis of actual yardage acquired at each separate price. Example:

10,000 yards acquired at 10 cents	
per yard.....	\$1,000
20,000 yards acquired at 11 cents	
per yard.....	2,200
30,000 yards acquired at 12 cents	
per yard.....	3,600
	6,800

Weighted average cost = \$6,800.00 ÷ 60,000 = 11.333 cents per yard.

in computing the maximum price under paragraph (a) of this section shall be no higher than actual transportation charges paid by the seller of the finished piece goods (not absorbed by the finisher) incurred in transporting the basic grey goods to the finishing plant where the finishing process is begun.

(2) In the event the grey goods are transported in a conveyance owned or operated by the converter, or the finisher, or by a person controlling, controlled by, or under common control with the converter or the finisher, and the charges are not absorbed by the finisher, the freight charge shall not exceed the charge which would be applicable to an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

(3) Where goods are shipped from the grey goods mill to a point other than the finishing plant where the finishing process is begun, only the actual freight (which is not absorbed by the finisher) incurred in the final shipment from such other point to the finishing plant where the finishing process is begun may be used in determining the maximum price under paragraph (a) of this section.

(4) Where goods are trans-shipped from one finishing plant to another (after the goods are partially or wholly finished), the freight charges on such trans-shipments shall not be included in computing the maximum price under paragraph (a) of this section: *Provided*, That if partially finished goods are trans-shipped from one finishing plant to another for the purpose of screen printing, flock printing, or lacquer printing at the second plant, then the freight charges on such trans-shipment may be included in computing the maximum price under paragraph (a) of this section.

(5) For the purpose of determining a grey freight charge in order to quote prices for and make sales of finished piece goods in advance of actual shipment of the grey goods a seller of finished piece goods may use the following allowance for grey freight:

(i) *Grey goods containing more than 50% cotton by weight.* For shipments from any point in Zone I<sup>12</sup> to any point in Zone II,<sup>13</sup> or shipments from any point in Zone II to any point in Zone I, an allowance of 55¢ per hundred pounds less any inward freight allowance made by the finisher; for shipments from any point in Zone I to a point in Zone I or for shipments from any point in Zone II to a point in Zone II, an allowance of 20¢ per hundred pounds, less any inward freight allowance made by the finisher.

(ii) *Grey goods containing 50% cotton or less by weight.* For shipments from any point in Zone I<sup>12</sup> to any point in Zone II,<sup>13</sup> or for shipments from any point in Zone II to any point in Zone I, an allowance of 85¢ per hundred pounds less any inward freight allowance made

<sup>12</sup> Zone I shall consist of the New England States, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Indiana and Michigan, and the District of Columbia.

<sup>13</sup> Zone II shall consist of all other states.

<sup>2</sup> 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060.

<sup>6a</sup> Where a converter or a subsidiary or affiliate of a converter, sells converted goods from a point of shipment which is located outside of the Atlantic Seaboard States, and the finishing operations with respect to such goods are performed in any of such Atlantic Seaboard States, the seller may add to the otherwise applicable maximum price the actual transportation charges incurred in bringing the finished piece goods to such point of shipment. If the goods are transported to such point of shipment in a conveyance other than a common carrier, the charge shall not exceed the charge which would be applicable in an identical shipment at the lowest available commercial transportation rate.

<sup>7</sup> 7 F.R. 1231, 1836, 2000, 2132, 2737.



by the finisher; for shipments from any point in Zone I to a point in Zone I, or for shipments from any point in Zone II to a point in Zone II, an allowance of 25¢ per hundred pounds, less any inward freight allowance made by the finisher.

*Provided*, That in all cases where a forward sale is made upon the basis provided herein, the price may not be subsequently altered after an actual determination of grey freight charges has been made.

(e) *Finishing cost.* \* \* \*

(6) Extra charges actually made for special folding such as doubling and rolling and book fold, may be included in the finishing cost for the purpose of determining the division factor and the maximum price: *Provided*, That if such special folding is done by a person other than the person performing the finishing operations, the amount which may be included shall be no more than ¼¢ per yard.

(f) *Put-up charges.* (1) Except as provided in subparagraph (3) of this paragraph, the put-up charges which may be used under paragraph (a) (5) of this section shall include only the charges for papers, boards, tubes and packing cases and, in the case of sales for export, the charges for export packing. In no event (except for export sales) shall charges for wooden shells be included in such computation.

(2) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the put-up charges used under paragraph (a) (5) of this section in determining the maximum price for finished piece goods shall not exceed the charges which would be applicable had such services been performed and such material furnished by an independent finisher.

(3) Where the finishing cost is on a "cotton basis," a seller of finished piece goods may, for the purpose of determining a put-up charge as defined in subparagraph (1) of this paragraph, in order to quote prices for and make sales of finished piece goods in advance of actual production thereof, use a put-up charge of .0020 per yard: *Provided*, That in all cases where a forward sale is made upon the basis provided herein, the price may not be subsequently altered after an actual determination of the put-up charges has been made.

(g) *Tables of division factors*—(1) *In general.* (i) Table I set forth below is to be used with respect to finished piece goods containing 75% or more of cotton by weight unless 4% or more of coverage of the warp or 4% or more of coverage of the filling in the finished goods is yarn dyed or stock dyed. In the latter case, reference must be made to Tables III and IV below. The division factor is determined by reference to the finishing cost (see paragraph (e) of this section), the class of purchaser to whom the sale is made, and the type of finish that is applied.

(ii) Table II set forth below is to be used with respect to finished piece goods containing less than 75% cotton by weight unless 4% or more of coverage of

the warp or 4% or more of the coverage in the filling in the finished goods is yarn dyed or stock dyed. In the latter case reference must be made to Tables III and IV below. The division factor is determined by reference to the finishing cost (see paragraph (e) of this section), the class of purchaser to whom the sale is made, and the type of finish that is applied.

(iii) Tables III set forth below is to be used with respect to finished piece goods of which 4% or more of coverage of the warp in the finished goods is yarn dyed or stock dyed, and of which none of the filling is yarn-dyed or stock-dyed and with respect to finished piece goods of which 4% or more of coverage of the filling is yarn dyed or stock dyed and of which none of the warp is yarn dyed or stock dyed, regardless of the rayon or cotton content, and regardless of the finish that is applied thereto. The division factor is determined by reference to the percentage of coverage of the warp or filling that is yarn dyed or stock dyed and the class of purchaser to whom the sale is made.

(iv) Table IV set forth below is to be used with respect to finished piece goods of which 4% or more of coverage of the warp in the finished goods is yarn dyed or stock dyed, and of which some part of the filling is yarn dyed or stock dyed, regardless of the rayon or cotton content, and regardless of the finish that is applied thereto. The division factor is determined by reference to the percentage of coverage of colored yarn in both the warp and filling and the class of purchaser to whom the sale is made.

(4) *Yarn dyed fabrics.*

TABLE III—DIVISION FACTORS FOR YARN DYED OR STOCK DYED FINISHED PIECE GOODS, COLORED WARP ONLY, OR COLORED FILLING ONLY<sup>1</sup>

Percentage of coverage of colored yarn in warp or filling (all numbers inclusive)	Sales to Class I purchaser	Sales to Class II purchaser
4 to 15.99.....	0.86	0.81
16 to 30.99.....	.85	.80
31 to 45.99.....	.84	.79
46 to 60.99.....	.83	.78
61 to 75.99.....	.82	.77
76 and over.....	.81	.76

<sup>1</sup> Table III shall be used for all finished piece goods (irrespective of the percentage of rayon or cotton content) of which 4 percent or more of coverage of the warp is yarn dyed or stock dyed and of which none of the filling is yarn dyed or stock dyed, and for finished piece goods of which 4 percent or more of coverage of the filling is yarn dyed or stock dyed and of which none of the warp is yarn dyed or stock dyed.

(h) *Credit terms.* \* \* \*

(3) If a seller desires to sell on a discount basis of net 10 days, sixty days extra, he may compute the maximum price on such a sale by dividing the net price by .99: *Provided*, That if any such sale is made, the seller must allow the buyer the following discounts:

(i) If payment is made within 10 days after delivery, a discount of 1%.

(ii) If payment is made within the next 60 days, a discount of ½ of 1% per month for any portion of the sixty days which is anticipated.

(4) The maximum net selling prices may not be increased for the purpose of granting any other credit or discount terms.

(i) *Wholesalers and jobbers*—(1) *General provisions.* Subject to the other provisions of this paragraph, the maximum price for finished piece goods sold in the performance of a recognized distributive function<sup>11</sup> by a wholesaler, jobber or converter-jobber selling jobbed goods, shall be computed by dividing the actual cost<sup>12</sup> by .83 if the sale is to a Class II purchaser and by dividing the actual cost by .95 if the sale is to a Class I purchaser: *Provided*, That contracts entered into between May 4, 1942, and June 3, 1942 at prices in compliance with the provisions of this Maximum Price Regulation No. 127 (§§ 1400.71 to 1400.84, inclusive), as then in force, may be carried out at the contract price.

(2) *Restrictions on jobbers' and wholesalers' mark-up.* No part of the mark-up provided for in subparagraph (1) of this paragraph, may be charged:

(ii) on a sale by a wholesaler or jobber to a converter or a converter-jobber;

(iv) on an export sale by an export merchant;

(v) on a sale of jobbed goods to any person by a converter-jobber unless and until authorized under subparagraph (3) of this paragraph:<sup>13</sup> *Provided*, That a converter-jobber who has properly filed a petition for exception under subparagraph (3) of this paragraph, and has been notified by the Secretary of the Office of Price Administration that his petition has been docketed, may, until such time as the petition is acted upon by the Office of Price Administration, sell and deliver the goods which he purchases or has purchased as a jobber or wholesaler in accordance with other provisions of this paragraph (i): *Provided, however*, That on and after July 1, 1942, the percentage of such jobbing business shall be no greater in relation to his total sales of finished piece goods than the average percentage of such business during the years 1939, 1940, and 1941, or during such

<sup>11</sup> No sale is made "in the performance of a recognized distributive function" within the meaning of this Maximum Price Regulation No. 127 unless it advances the goods sold to the next stage of distribution.

<sup>12</sup> The actual cost may include only (a) the invoice price of the finished piece goods less all discounts taken (which must not, for any purchases made on or after May 4, 1942, exceed the maximum price established by this Maximum Price Regulation No. 127) and (b) the actual transportation charges incurred by the wholesaler or jobber with respect to such finished piece goods. If the goods are transported in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

<sup>13</sup> It is the intention of the Office of Price Administration that this subparagraph shall apply to converters who also act as jobbers and wholesalers and to wholesalers or jobbers who also do some converting.



part thereof as he acted as a converter-jobber.

(vi) on a resale of finished piece goods by a cutter or manufacturer: *Provided*, That this restriction shall not apply to a cutter or manufacturer who is required, by an established trade practice, as a necessary part of making sales of his cut or manufactured articles, to furnish to his buyers an additional quantity of piece goods identical with or similar to the goods from which such articles are cut or manufactured.

(3) *Petitions for exception by a converter-jobber.* Any converter-jobber, as defined in § 1400.81 hereof, who desires to continue operating as such, may petition the Office of Price Administration for an exception from the provisions of § 1400.82 (i) (2) (v), and for permission so to do. The Price Administrator may grant such exception upon such terms and conditions as shall appear reasonable and necessary under all the circumstances: *Provided*, That no such petition will be considered unless it is filed in accordance with the provisions of Procedural Regulation No. 1,<sup>17</sup> issued by the Office of Price Administration.

(4) Where a sale is made by a converter-jobber, wholesaler or jobber to another converter-jobber, wholesaler or jobber or to an export merchant, the maximum price which the purchaser may charge on a domestic resale shall be no higher than the price which the original wholesaler, jobber or converter-jobber would be entitled to charge.

§ 1400.85 *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§§ 1400.77, 1400.78 (c), 1400.81 (a), 1400.82 (a), (b), (c), (e), (f), (g) (1), (g) (4), (h) and (i)) to Maximum Price Regulation No. 127 shall become effective June 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5083; Filed, May 30, 1942;  
12:52 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 3 to Supplementary Regulation 1<sup>1</sup> to General Maximum Price Regulation]

##### CERTAIN CITRUS FRUITS AND JUICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register. § 1499.26 is amended by adding new subparagraph (22) to paragraph (a), as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries and certain services.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

\* \* \* \*

(22) Citrus fruits and citrus juices hermetically sealed in containers of metal, glass or any other material.

\* \* \* \*

(e) *Effective dates.* \* \* \*

(4) Amendment No. 3 (§ 1499.26 (a) (22)) to Supplementary Regulation No. 1 shall become effective June 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5081; Filed, May 30, 1942;  
12:51 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under General Maximum Price Regulation<sup>1</sup>—Order No. 4]

##### SELLERS OF MALLEABLE IRON CASTINGS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.37 *Authorization to sellers of malleable iron castings.* (a) Specific authorization is hereby given to any producer of malleable iron castings to determine the maximum price for any malleable iron casting produced by him and for which the maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation by the following formula: The producer's maximum price for each such casting shall be a net price (after adjustment for all applicable customary extra charges, discounts or other allowances) not in excess of that at which he would have sold such a casting during March 1942 under the pricing formula or method of calculating price used by him in March 1942, employing the same cost factors (wage rates, prices of materials and overhead) and profit margins which were in effect for him in March 1942, even though his costs or profit margins may have increased since that date.

(b) On or before the last day of each month, beginning with June 30, 1942, a seller shall report the prices of all malleable iron castings priced under § 1499.3 (b) of the General Maximum Price Regulation during the preceding month to the Office of Price Administration in Washington, D. C., upon a form to be supplied. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 4 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 4 (§ 1499.37) shall become effective June 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5078; Filed, May 30, 1942;  
12:49 p. m.]

<sup>17</sup> F. R. 3153, 3300, 3666.

#### PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under General Maximum Price Regulation<sup>1</sup>—Order No. 5]

##### SELLERS OF HIGH ALLOY STEEL CASTINGS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.38 *Authorization to sellers of high alloy steel castings.* (a) Specific authorization is hereby given to any producer of high alloy steel castings to determine the maximum price for any high alloy steel casting produced by him and for which the maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation by the following formula: The producer's maximum price for each such casting shall be a net price (after adjustment for all applicable customary extra charges, discounts or other allowances) not in excess of that at which he would have sold such a casting during March 1942 under the pricing formula or method of calculating price used by him in March 1942, employing the same cost factors (wage rates, prices of materials and overhead) and profit margins which were in effect for him in March 1942, even though his costs or profit margins may have increased since that date.

(b) On or before the last day of each month, beginning with June 30, 1942, a seller shall report the prices of all high alloy steel castings priced under § 1499.3 (b) of the General Maximum Price Regulation during the preceding month to the Office of Price Administration in Washington, D. C., upon a form to be supplied. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 5 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 5 (§ 1499.38) shall become effective June 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5077; Filed, May 30, 1942;  
12:48 p. m.]

#### Chapter XV—Defense Communications Board

[Order No. 8]

#### PART 1707—CLOSURE OF DOMESTIC RADIO-TELEGRAPH CIRCUITS

Whereas, The Defense Communications Board has determined that the national security and defense and the successful conduct of the war demand the closure of all point-to-point radiotelegraph circuits within the continental

<sup>17</sup> F. R. 3153, 3300, 3666.

<sup>17</sup> F. R. 3158, 3488, 3892.

<sup>14</sup> F. R. 971.



United States (excluding Alaska) which are in the Fixed Public Radio Services as defined by the Rules and Regulations of the Federal Communications Commission;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964<sup>1</sup> of December 10, 1941;

§ 1707.1 *Point-to-point radiotelegraph circuits.* It is hereby ordered, That all point-to-point radiotelegraph circuits within the continental United States (excluding Alaska) which are in the Fixed Public Radio Services as defined by the Rules and Regulations of the Federal Communications Commission be, and they are hereby designated for closure and, effective midnight June 30, 1942, are closed.

*Provided, however,* That upon a showing to the Federal Communications Commission that a vital public need, which cannot otherwise be met, will be served by the operation of a particular circuit or circuits, the Board may, upon the recommendation of the Commission, exempt in whole or in part, such circuit or circuits from the above Closure Order or take other action to meet the public need.

JAMES LAWRENCE FLY,  
*Chairman.*

Attest:

HERBERT E. GASTON,  
*Secretary.*

MAY 29, 1942.

[F. R. Doc. 42-5041; Filed, May 29, 1942;  
3:41 p. m.]

## TITLE 46—SHIPPING

### Chapter I—Bureau of Customs

[T.D. 50643]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

#### CANADIAN VESSELS TRANSPORTING IRON ORE BETWEEN UNITED STATES PORTS ON THE GREAT LAKES

#### WAIVER OF ENTRANCE AND CLEARANCE LAWS MAY 29, 1942.

Upon the written recommendation of the Director of the Office of Defense Transportation and by virtue of the authority vested in me by section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of the navigation laws relating to the entrance and clearance of vessels to the extent necessary to permit vessels of Canadian registry which are engaged in the transportation of iron ore between United States ports on the Great Lakes under authority of the Act of January 27, 1942 (Public Law 416, 77th Congress), to be accorded the same treatment with respect to report of arrival, entrance, clearance, coastwise permits to proceed, and manifests, as is accorded enrolled or licensed vessels of the United States engaged in

the same trade. I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-5091; Filed, June 1, 1942;  
11:04 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

[Correction of Amendment 1 to General Order O. D. T. 5]

#### PART 501—CONSERVATION OF MOTOR EQUIPMENT

##### SUBPART D—PRIVATE CARRIERS OF PROPERTY

In the preamble to Amendment No. 1 to General Order O.D.T. No. 5,<sup>1</sup> the reference "General Order O.D.T. No. 3" should read "General Order O.D.T. No. 5" and it is hereby corrected.

Issued this 30th day of May 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*  
[F. R. Doc. 42-5069; Filed, May 30, 1942;  
12:03 p. m.]

[Amendment 2 to General Order O. D. T. 5]

#### PART 501—CONSERVATION OF MOTOR EQUIPMENT

##### PRIVATE CARRIERS OF PROPERTY—OVER-THE-ROAD SERVICE DEFINED

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O. D. T. No. 5,<sup>2</sup> Title 49, Chapter II, Part 501, Subpart D, § 501.24 is hereby amended, as follows:

#### § 501.24 Definitions. \* \* \*

(f) The term "over-the-road" service means all operations except (1) those wholly within any municipality or urban community, or (2) those wholly within a zone extending twenty-five (25) air miles from the boundaries of any municipality or urban community, or (3) those between contiguous municipalities or urban communities, or (4) hauls of more than twenty-five (25) miles in length, or (5) the transportation and delivery of property directly to the ultimate consumer thereof, in a motor truck not used in carrying any other property, which leaves from and returns to the point of origin on the same calendar day, or (6) when the property is transported solely for the purpose of sale to retail dealers in a vehicle operated by the seller or an employee thereof, which vehicle leaves from and returns to the point of origin on the same calendar day.

\* \* \* \* \*  
This amendment shall become effective June 1, 1942.

<sup>1</sup> 7 F.R. 3007.  
<sup>2</sup> 7 F.R. 4119.

Issued at Washington, D. C. this 30th day of May 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-5070; Filed, May 30, 1942;  
12:03 p. m.]

[Amendment 2 to General Order O. D. T. 6]

#### PART 501—CONSERVATION OF MOTOR EQUIPMENT

##### SUBPART E—LOCAL DELIVERY CARRIERS

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O.D.T. No. 6,<sup>1</sup> Chapter II of this Title, Part 501, Subpart E, §§ 501.31, 501.32, and 501.36 are hereby amended as follows:

#### § 501.31 Definitions. \* \* \*

(b) The term "local carrier" includes every person engaged in the transportation of property by vehicle for compensation, or in the furtherance of or incidental to any commercial enterprise (1) wholly within any municipality or urban community, or (2) wholly within a zone extending twenty-five (25) air miles from the boundaries of any municipality or urban community, or (3) between contiguous municipalities or urban communities, or (4) in making hauls not exceeding twenty-five (25) miles in length, or (5) when the property transported is delivered directly to the ultimate consumer thereof, in a vehicle which is operated from and returned to the point of origin on the same calendar day and is not used in carrying any other property, or (6) when the property is transported solely for the purpose of sale to retail dealers in a vehicle operated by the seller or an employee thereof, which vehicle leaves from and returns to the point of origin on the same calendar day.

§ 501.32 *Special deliveries, call backs, number of deliveries.* Effective June 1, 1942, no person shall cause to be made by vehicle and no local carrier shall make:

(a) Any special deliveries except to hospitals and the armed forces of the United States, and except deliveries of medicines and other necessary supplies for the protection in emergencies of the public health, life, and safety;

(b) Any call-backs;

(c) More than one delivery between any one point of origin and any one point of destination, in any one calendar day, except:

(1) Special deliveries authorized by paragraph (a) of this section: *Provided, however,* That when one day's shipment or shipments to any one person exceed the capacity of a single vehicle, deliveries of such shipment or shipments shall be considered as one delivery;

(2) One delivery (in addition to the delivery authorized by the provisions of paragraph (c) of this § 501.32) of any

<sup>1</sup> 6 F.R. 6367.

<sup>1</sup> 7 F.R. 3008.



commodity, the transportation of which requires the use of special equipment, in a vehicle specially constructed and adapted for and used exclusively in the transportation and delivery of such commodity.

\* \* \* \* \*

§ 501.36 *Exemption.* \* \* \*

(f) To any vehicle used exclusively for the transportation of explosives, as defined in 50 U. S. Code 122, or dangerous articles, as defined in 18 U. S. Code 383.

(g) To vehicles operated exclusively for the purpose of providing pick-up and delivery of telegraphic, radio, and cable communications, and the United States mail.

This amendment shall become effective June 1, 1942.

Issued at Washington, D. C., this 29th day of May 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-5071; Filed, May 30, 1942;  
12:03 p. m.]

[Amendment No. 2 to General Order O. D. T.  
No. 3]

PART 501—CONSERVATION OF MOTOR  
EQUIPMENT

COMMON CARRIERS OF PROPERTY—OVER-THE-  
ROAD SERVICE DEFINED

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O.D.T. No. 3,<sup>1</sup> Title 49, Chapter II, Part 501, Subpart B, § 501.4 is hereby amended as follows:

§ 501.4 *Definitions.* \* \* \*

(f) The term "over-the-road" service means all operations except (1) those wholly within any municipality or urban community, or (2) those wholly within a zone extending twenty-five (25) air miles from the boundaries of any municipality or urban community, or (3) those between contiguous municipalities or urban communities, or (4) hauls of not more than twenty-five (25) miles in length, or (5) the transportation and delivery of property directly to the ultimate consumer thereof, in a motor truck not used in carrying any other property, which leaves from and returns to the point of origin on the same calendar day.

\* \* \* \* \*

This amendment shall become effective June 1, 1942. Issued at Washington, D. C., this 30th day of May 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-5127; Filed, June 1, 1942;  
12:18 p. m.]

<sup>1</sup> 7 F.R. 3004.

[Amendment No. 2 to General Order O. D. T.  
No. 4]

PART 501—CONSERVATION OF MOTOR  
EQUIPMENT

CONTRACT CARRIERS OF PROPERTY—OVER-  
THE-ROAD SERVICE DEFINED

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O. D. T. No. 4,<sup>1</sup> Title 49, Chapter II, Part 501, Subpart C, § 501.16, is hereby amended as follows:

§ 501.16 *Definitions.* \* \* \*

(f) The term "over-the-road" service means all operations except (1) those wholly within any municipality or urban community, or (2) those wholly within a zone extending twenty-five (25) air miles from the boundaries of any municipality or urban community, or (3) those between contiguous municipalities or urban communities, or (4) hauls of not more than twenty-five (25) miles in length, or (5) the transportation and delivery of property directly to the ultimate consumer thereof, in a motor truck not used in carrying any other property, which leaves from and returns to the point of origin on the same calendar day.

\* \* \* \* \*

This amendment shall become effective June 1, 1942. Issued at Washington, D. C., this thirtieth day of May 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-5128; Filed, June 1, 1942;  
12:19 p. m.]

[Amendment No. 3 to General Order O. D. T.  
No. 5]

PART 501—CONSERVATION OF MOTOR  
EQUIPMENT

PRIVATE CARRIERS OF PROPERTY—OVER-THE-  
ROAD SERVICE DEFINED

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O. D. T. No. 5,<sup>2</sup> Title 49, Chapter II, Part 501, Subpart D, § 501.24 is hereby amended, as follows:

§ 501.24 *Definitions.* \* \* \*

(f) The term "over-the-road" service means all operations except (1) those wholly within any municipality or urban community, or (2) those wholly within a zone extending twenty-five (25) air miles from the boundaries of any municipality or urban community, or (3) those between contiguous municipalities or urban communities, or (4) hauls of not more than twenty-five (25) miles in length, or (5) the transportation and delivery of property directly to the ultimate consumer thereof, in a motor truck not used in carrying any other property, which leaves from and returns to the point of origin on the same calendar day, or (6) when

<sup>1</sup> 7 F. R. 3005.

<sup>2</sup> 7 F.R. 3007, *supra*.

the property is transported solely for the purpose of sale to retail dealers in a vehicle operated by the seller or an employee thereof, which vehicle leaves from and returns to the point of origin on the same calendar day.

\* \* \* \* \*

This amendment shall become effective June 1, 1942. Issued at Washington, D. C. this 30th day of May 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-5123; Filed, June 1, 1942;  
12:18 p. m.]

[General Permit O. D. T. No. 6-1]

PART 521—CONSERVATION OF MOTOR  
EQUIPMENT—PERMITS

LOCAL DELIVERY CARRIERS—DELIVERIES OF  
NEWSPAPERS

In accordance with the provisions of paragraph (e) of § 501.36 of General Order O.D.T. No. 6,<sup>1</sup> as amended, Chapter II of this Title, Part 501, Subpart E, *It is hereby authorized, That:*

§ 521.2000 *Deliveries of newspapers.*  
(a) Local carriers engaged in the transportation and delivery of newspapers in any area, as defined in § 501.31 (b) of General Order O.D.T. No. 6, as amended, in which is located a metropolitan district having a population of 200,000 or more, as determined by pamphlet "PH-1" entitled "Population and Housing Units in the Metropolitan Districts of the United States, 1940," issued by the Bureau of Census, Department of Commerce of the United States, in lieu of compliance with the provisions of § 501.32 (c) of General Order O.D.T. No. 6, as amended, may elect to restrict the number of deliveries of newspapers in any one calendar day, dependent upon the population of the metropolitan district, as hereinafter specified:

In areas containing a metropolitan district having a population—	Maximum number of deliveries—	
	Morning newspapers	Afternoon newspapers
From 200,000 to 700,000.....	2	2
From 700,000 to 2,000,000.....	3	3
Over 2,000,000.....	4	4

(b) Any local carrier engaged in the transportation and delivery of newspapers, in lieu of compliance with the provisions of §§ 501.32 (c) and 501.33 of General Order O.D.T. No. 6, as amended, and if it shall not have elected to take advantage of paragraph (a) of this General Permit, may reduce its total monthly vehicle mileage of all vehicles operated by such carrier to 60% or less of the total mileage of all vehicles operated in performing such transportation and delivery during the corresponding calendar month of 1941, exclusive of the mileage eliminated by compliance with the pro-

<sup>1</sup> 7 F.R. 3008; 7 F.R. 3532.



visions of paragraphs (a) and (b) of § 501.32 of General Order O.D.T. No. 6 as amended. In the event such local carrier was not engaged in making deliveries of newspapers during the corresponding month in 1941, the mileage of the vehicles operated by such local carrier for such purpose during the month of May, 1942, shall be used as a basis for computing the total monthly vehicle mileage of such local carrier referred to in this paragraph (b). (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 6, 7 F.R. 3008, and 7 F.R. 3532).

This General Permit shall become effective June 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of May 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-5124; Filed, June 1, 1942;  
12:18 p. m.]

[General Permit O. D. T. No. 6-2]

PART 521—CONSERVATION OF MOTOR  
EQUIPMENT—PERMITS

LOCAL DELIVERY CARRIERS—DELIVERIES OF  
SOLID FUELS

In accordance with the provisions of paragraph (e) of § 501.36 of General Order O.D.T. No. 6,<sup>1</sup> as amended, Chapter II of this Title, Part 501, Subpart E, *it is hereby authorized, That:*

§ 521.2001 *Deliveries of solid fuels.* Local carriers engaged in the transportation and delivery of solid fuel are hereby exempted from the provisions of § 501.33 of General Order O.D.T. No. 6, as amended. On and after July 1, 1942, each such carrier shall so adjust its vehicle operations that it effects a reduction in its mileage per ton of solid fuel delivered in any calendar month in an amount equal to at least 25% of its average monthly mileage per ton for solid fuel delivered during the calendar year 1941. In the event such local carrier was not engaged in making deliveries of solid fuel during the corresponding month in 1941, the mileage per ton of solid fuel delivered by such local carrier during the month of May 1942, shall be used as a basis for computing the mileage per ton reduction of such local carrier required hereby. (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 6, 7 F.R. 3008 and 7 F.R. 3532).

This General Permit shall become effective June 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of May 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-5125; Filed, June 1, 1942;  
12:18 p. m.]

<sup>1</sup> 7 F.R. 3008, 3532.

[General Permit O. D. T. No. 6-3]

PART 521—CONSERVATION OF MOTOR  
EQUIPMENT—PERMITS

LOCAL DELIVERY CARRIERS—DELIVERIES OF  
LIQUIDS IN BULK

In accordance with the provisions of paragraph (e) of § 501.36 of General Order O.D.T. No. 6,<sup>1</sup> as amended, Chapter II of this Title, Part 501, Subpart E, *It is hereby authorized, That:*

§ 521.2002 *Deliveries of liquids in bulk.* Any vehicle, the primary carrying capacity of which is occupied by a mounted tank or tanks designed to carry bulk liquids, when operated by a local carrier in the transportation and delivery of liquids in bulk, is hereby exempted from the provisions of General Order O.D.T. No. 6, as amended, Title 49, Chapter II, Part 501, Subpart E, for a period of thirty (30) days commencing June 1, 1942, and ending June 30, 1942. (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 6, 7 F.R. 3008, 7 F.R. 3532).

Issued at Washington, D. C., this 29th day of May 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-5126; Filed, June 1, 1942;  
12:19 p. m.]

## Notices

### DEPARTMENT OF THE INTERIOR

#### Bituminous Coal Division.

[Docket No. A-1438]

#### EASTERN GAS & FUEL ASSOCIATES— DISTRICT BOARD NO. 7

#### NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 7 for the establishment of minimum prices for river and ex-river shipments of the coals of Midvale No. 2 Mine (Mine Index No. 122) of Eastern Gas & Fuel Associates (Koppers Coal Division), a code member in District No. 7.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered,* That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 30, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated

to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 25, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of minimum prices for the coals of Midvale No. 2 mine (Mine Index No. 122) of Eastern Gas & Fuel Associates (Koppers Coal Division) for river and ex-river shipments for all uses except for railway locomotive fuel.

The petition requests the establishment of minimum prices for coals of the Midvale No. 2 mine for river and ex-river shipments. It does not appear that any high volatile coals produced in District No. 7 have in the past been sold for such shipments. The petition states that Eastern Gas & Fuel Associates, the code member involved, has an immediate market for coal from its Midvale No. 2 mine for river shipments for free alongside delivery. It does not appear, however, that there is any necessity for the establishment of minimum prices for this coal for ex-river shipments, pending a hearing in this matter. Accordingly, the temporary relief hereinafter granted is restricted to the establishment of minimum prices for the coals of the Midvale No. 2 mine (Mine Index No. 122) for river shipments.

*It is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement," annexed hereto and hereby made a part hereof.



Notice is hereby given that applications to stay, terminate or modify the temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5092; Filed, June 1, 1942;  
11:08 a. m.]

[Docket No. A-1362]

#### DELTA COAL MINING COMPANY

##### ORDER POSTPONING HEARING

In the matter of the petition of Delta Coal Mining Company, a code member in District No. 10, for minimum f. o. b. mine prices for F. A. S. delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to Section 3 (a), special river price instructions and exceptions, schedule of effective minimum prices for District No. 10 for all shipments except truck, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

District Boards Nos. 2, 7 and 8 have filed a motion for postponement to July 14, 1942, of the hearing in the above-entitled matter, heretofore scheduled for June 2, 1942.

Good cause has been shown why the said hearing should be postponed. Postponement to July 14, 1942, however, will cause undue delay in the final determination of this matter.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of June 2, 1942, to 10 o'clock in the forenoon of June 22, 1942, at the place and before the officers heretofore designated.

Dated: May 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5093; Filed, June 1, 1942;  
11:08 a. m.]

[Docket No. B-240]

#### HUDSON FUEL COMPANY

##### ORDER POSTPONING HEARING AND REDESIGNATING EXAMINER

In the matter of Hudson Fuel Company, registered distributor, registration No. 4581.

The above-entitled matter having been previously scheduled for hearing on June 8, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division (the "Division"), at Room 518, Bulkley Building, 1501 Euclid Avenue, Cleveland, Ohio, by Order dated May 12, 1942; and

The Acting Director deeming it advisable that said hearing be further postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be,

and the same hereby is, postponed from June 8, 1942, at 10 a. m., to June 19, 1942, at 10 a. m., at a hearing room of the Division, at Room 518, Bulkley Building, Cleveland, Ohio; and

It is further ordered, That W. A. Cuff or any other officer of the Division that may be designated shall preside at such hearing vice Charles F. Mitchell.

Dated: May 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5094; Filed, June 1, 1942;  
11:08 a. m.]

[Docket No. A-1242]

#### HENRY W. STRIETELMEIER—DISTRICT BOARD No. 11

##### FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER

In the matter of the petition of District Board No. 11, for the establishment of an additional rail loading point for the coals of the R. & G. Mine<sup>1</sup> (Mine Index No. 104) of Henry W. Strietelmeier, a code member in District No. 11, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on December 26, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of Linton, Indiana, on the Illinois Central Railroad ("IC") as an additional loading point for the coals of Mine Index No. 104 (Raney Pit Mine<sup>2</sup>) of Henry W. Strietelmeier, a code member in District No. 11.

By Order of the Acting Director dated January 16, 1942, temporary relief was granted by making the price classifications and minimum prices for Mine Index No. 104 for all shipments except truck applicable to shipments from said mine originating at Linton, Indiana, via the Illinois Central Railroad, and by suspending the price classifications and minimum prices for said mine for all shipments except truck from Dugger, Indiana.

Pursuant to orders of the Acting Director, a hearing in this matter was held on April 2, 1942, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.<sup>3</sup> All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned.

<sup>1</sup> According to Division records, the present name of this mine is "Raney Pit Mine."

<sup>2</sup> Referred to in the transcript as the R. & G. Mine.

<sup>3</sup> Two continuances were granted on request of the petitioner, and two redesignations of the Examiner were made. The case was called on April 1, 1941, in accordance with the Order of the Acting Director, but was adjourned until the conclusion of another hearing scheduled for the same date.

Midland, Indiana, on the Chicago, Indianapolis and Louisville Railway ("CL&L") and Dugger, Indiana, on the Illinois Central, are the established rail loading points for the coals of Mine Index No. 104. No question is here raised with reference to a continuation of Midland on the Chicago, Indianapolis and Louisville as a shipping point for this mine. Since the mine began operation under the present management in August 1941, substantial tonnages of railroad fuel and limited tonnages of commercial coal produced at this mine have been shipped from Midland on the Chicago, Indianapolis and Louisville. The matter here involved is the establishment of Linton, in addition to or in lieu of Dugger, as a rail loading point on the Illinois Central for Mine Index No. 104.

During the first five months after Strietelmeier began operation of this mine 86 percent of its rail shipments for commercial use and over half of its rail shipments of railroad fuel were made over the Illinois Central. A rail shipping point for this mine on the Illinois Central thus appears to be needed.

Although the established Illinois Central loading point for Mine Index No. 104 was Dugger, that mine has used only Linton for its Illinois Central shipments. The reason given for its failure to use Dugger was the refusal of the Illinois Central to serve the tippie at Dugger because of the disrepair of the spur track from the main line to the tippie, as well as the three tracks under the tippie. It is contended, however, that Dugger should be retained as an Illinois Central shipping point for possible future use, as in case of a fire destroying the tippie at Linton. Such a contingency, applicable alike to any rail-shipping mine, is not an adequate basis for the retention of Dugger as a shipping point. Nor does the suggested possibility that the screening facilities at the Dugger tippie may be more efficient and better adapted to the coals of Mine Index No. 104 argue in favor of retaining Dugger as a shipping point, since the witness for the petitioner admits that he does not know this to be the case. It is significant, however, that the Dugger tippie is located only 1½ miles from the mine, whereas the Linton tippie is 4½ miles away, and the roads to the two tipples are similar. Yet this fact is no sufficient justification for retention of a loading point having a tippie with tracks under it and on the switch to it which, throughout their length needs many ties, there being no evidence as to when, if ever, the tracks will be repaired. Further, the operator of Mine Index No. 104 is in no position to insist upon the tippie at Dugger as an additional loading point since he has never used it in the past but has used, exclusively, a tippie at Linton, without authority to do so under the District 11 price schedule.<sup>4</sup> I find that the temporary relief suspending the price classifications and minimum prices for Mine

<sup>4</sup> See Statement No. 37 of the Director, August 2, 1914, holding it to be "inimical to the proper functioning of the Division's price schedules" to employ shipping points other than those assigned.



Index No. 104 for all shipments except truck from Dugger should be made permanent. If a future need for Dugger as a shipping point should arise, a petition could then be filed for such a privilege.

Linton appears desirable as a rail loading point for Mine Index No. 104, not only because of its exclusive use as such by the present operator of this mine for Illinois Central shipments of coals from this mine in the past, but also because the coals of Mine Index No. 104 have always been prepared at a tipple at Linton. This tipple is owned or leased by the operator of Mine Index No. 104 and Mine Index No. 119 (Pleasantville Mine No. 6), the coals of which latter mine are likewise prepared at that tipple. It was testified that the coals of Mine Index No. 104 and Mine Index No. 119 would not be mixed at the tipple and would be loaded separately, possibly on alternate days. The coals of Mine Index No. 104 cross no railroad in being transported from the mine to the tipple at Linton.

In considering allowing Linton as the Illinois Central rail loading point for Mine Index No. 104, there arises the question of price adjustments because of freight rate differentials. The freight rates applicable for shipments via the Illinois Central from Dugger and Linton are the same, except for four short hauls to local points in Market Area No. 32. To Victor, Indiana, there is a 15 cent higher freight rate from Dugger than from Linton, but Mine Index No. 104 was allowed a 15 cent deduction on Illinois Central shipments from Dugger on account thereof. From Linton, therefore, if accorded no privilege of deduction, the coals of Mine Index No. 104 would deliver to Victor at the same prices as if shipped from Dugger. Therefore, if Linton is established as a loading point for Mine Index No. 104, that mine should be given no price adjustment on shipments from Linton to Victor.

As compared with Illinois Central shipments from Dugger, coal shipped by the Illinois Central from Linton deliver to Solsberry<sup>1</sup> at 22 cents less per ton, to Unionville at 10 cents less per ton, and to Quarry Junction at 15 cents<sup>2</sup> less per ton. Petitioner proposed no adjustment as to these three points on the ground that these points are not included in the list of destinations in Market Area No. 32 to which freight rate differences have been authorized in the price schedule, while admitting that no other reason existed for lower delivered prices of Mine Index No. 104 coals to these points from Linton than from Dugger. However, if Linton is established as an Illinois Central loading point for Mine Index No. 104 coals, the prices of coals from that mine should be so adjusted that the coals will deliver at the same prices as they would when shipped from Dugger over the Illinois Central. This is necessary in order to maintain the fair competitive opportunity of other operators

shipping from Dugger to these three points.

I find that, with such adjustments, it is proper to make the price classifications and minimum prices for Mine Index No. 104 for all shipments except truck applicable to shipments from said mine originating at Linton via the Illinois Central.

Amendment of the District 11 price schedule for all shipments except truck in the respects hereinbefore mentioned is required in order to effectuate the purpose of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be, and it hereby is, amended by making final, effective 15 days from the date hereof, the temporary relief making the price classifications and minimum prices for Mine Index No. 104 (Raney Pit Mine) of Henry W. Strietelmeier applicable to shipments from said mine originating at Linton, Indiana, via the Illinois Central Railroad, and by suspending the price classifications and minimum prices for said mine for shipments from Dugger, Indiana, as set forth in Supplement R, attached hereto and made a part hereof, with the adjustments for freight rate differences therein set forth.

It is further ordered, That the prayers for relief contained in petition be, and they hereby are, granted to the extent set forth above and in all other respects denied.

Dated: May 23, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5095; Filed, June 1, 1942;  
11:08 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Marketing Administration.

[P. & S. Docket 1476]

#### IN RE JONESBORO STOCKYARDS, RESPONDENT ORDER OF INQUIRY, ORDER OF SUSPENSION, AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181), and the following allegations are made:

1. The respondent is engaged in the business of conducting or operating a stockyard at Jonesboro, in the State of Arkansas, which stockyard has been ascertained by the Secretary of Agriculture to be a "stockyard" within the definition thereof as used in the act, and which has been posted as such by the Secretary of Agriculture under the act.

2. In accordance with the requirement of the Packers and Stockyards Act, the respondent has heretofore filed and put into effect schedules of rates and charges for its services.

3. On or about May 25, 1942, the respondent made, filed and published, effective June 1, 1942, a new schedule of rates and charges designated as Supplement to Tariff No. 1, providing for rates and charges which are materially greater than those set forth in the schedule now on file.

4. Upon an examination of the records and other information in the possession of the Department of Agriculture, there is reason to believe that the increases proposed by such new schedule are not justified, and that such increases are, in fact, unreasonable.

It is concluded that a proceeding under Title III of the act should be had for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the Supplement to Tariff No. 1, and that pending a hearing and decision in such proceeding, the operation of such tariff should be suspended and its use deferred.

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges, and whether any stockyard service is rendered by the respondent without making a lawful charge therefor.

It is therefore ordered, That the operation and use of the tariff filed by the respondent on May 25, 1942, and designated as Supplement to Tariff No. 1, shall be and it is hereby suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That a hearing covering the allegations made herein shall be held before an examiner at a time and place of which the respondent will have at least ten days' notice. At such hearing, the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., on or before the first day of July, 1942.

It is further ordered, That a copy hereof be served upon the respondent by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

THOMAS J. FLAVIN,  
Assistant to the Secretary  
of Agriculture.<sup>1</sup>

[F. R. Doc. 42-5050; Filed, May 30, 1942;  
11:08 a. m.]

<sup>1</sup> Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2653).

<sup>1</sup> Spelled "Solsbury" in the transcript.

<sup>2</sup> There was erroneous testimony that this differential was 25 cents.



## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective June 1, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

*Apparel*

Beau Brummell Ties, 440 E. McMillan Street, Cincinnati, Ohio; Men's neckwear; 45 learners (E); November 25, 1942. (This certificate effective May 25, 1942.)

Derby Underwear Company, Inc., Church Street, Bowling Green, Kentucky; Men's woven underwear; 10 percent (T); May 25, 1943. (This certificate effective May 25, 1942.)

The Excel Garment Company, Main & Benedict Streets, Norwalk, Ohio; Raincoats; 10 percent (T); June 1, 1943.

French Button Works, 51 N. 9th Street, Philadelphia, Pennsylvania; Belts, Buttons; 5 learners (T); June 1, 1943.

Hy-Grade Clothing Company, 560 Harrison Avenue, Boston, Massachusetts; Boys' suits, mackinaws; 10 percent (T); June 1, 1943.

Malroy United Hat & Cap Co., 416-430 First Avenue North, Minneapolis, Minnesota; Hats and Caps; 2 learners (T); June 1, 1943.

Princely Neckwear Co., 1301 N. 7th Street, Brooklyn, New York; Men's Neckwear; 1 learner (T); June 1, 1943.

*Single Pants, Shirts and Allied Garments and Women's Apparel Industries*

All American Dress Company, 41 North 9th Street, Lebanon, Pennsylvania; Dresses and Blouses; 20 learners (E); December 1, 1942.

Anville Products Corp., King and Church Streets, Anville, Pennsylvania; Ladies Underwear, slips, etc. (woven cloth); 10 percent (T); June 1, 1943.

Appomattox Garment Co., 88 Church Street, Appomattox, Virginia; Children's Cotton Dresses; 10 learners (T); June 1, 1943.

M. Bass, 820 S. Broadway, Los Angeles, California; Ladies Slacks; 2 learners (T); June 1, 1943.

Jack Beckerman, Inc., 608 Union Street, Allentown, Pennsylvania; Ladies Rayon Slips; 10 learners (T); June 1, 1943.

Joseph Chromow & Co., Inc., 987 Broadway, Fall River, Massachusetts; Nurses' Uniforms, housecoats, dresses, pajamas, underwear; 10 percent (T); June 1, 1943.

Cosgrove Brothers, Inc., 265 Willard Street, Quincy, Massachusetts; Ladies Slips, gowns, pajamas, hospital pajamas; 10 percent (T); June 1, 1943.

Euclid Manufacturing Co., 1285 West 6th Street, Cleveland, Ohio; Overalls, Coveralls, and shop coats; 4 learners (T); June 1, 1943.

Frackville Mfg. Co., Inc., E. Oak Street, Frackville, Pennsylvania; Pajamas, night shirts; 10 percent (T); June 1, 1943.

S. Grabel, 175a Mott Avenue, Inwood, New York; Beachwear, slacks, snowsuits; 6 learners (T); June 1, 1943.

William Haberman Corp., 1 Virginia Avenue, Newark, New Jersey; Shirts; 10 percent (T); June 1, 1943.

Jubrite Informal Frocks, Inc., 791 Tremont Street, Boston, Massachusetts; Dresses; 10 percent (T); June 1, 1943.

Kent Manufacturing Company, 611 Walnut Street, Milford, Delaware; Children's dresses; 5 learners (T); June 1, 1943.

Malouf Manufacturing Company, 146 S. W. Temple Street, Salt Lake City, Utah; Cotton dresses, rayon slips (lingerie); 10 learners (T); June 1, 1943.

Monarch Blouse Company, 1024 Filbert Street, Philadelphia, Pennsylvania; Blouses, Sportswear; 2 learners (T); June 1, 1943.

National Garment, Inc., 40 Church Street, Pawtucket, Rhode Island; Ladies Dresses; 10 learners (T); June 1, 1943.

Prevue Sportswear Inc., 31 N. Spruce Street, Mt. Carmel, Pennsylvania; Cotton Dresses, Blouses; 30 learners (E); December 1, 1942.

Public Overall Co., Inc., 54 Canal Street, New York, New York; Wash Dresses; 3 learners (T); December 1, 1942.

William Rifkin & Sons, 324 Market Street, Philadelphia, Pennsylvania; Cotton Slips; 5 learners (T); June 1, 1943.

Salant & Salant Inc., Parsons, Tennessee; Cotton work shirts; 52 learners (E); December 1, 1942.

Simei Shirt Company, 40 Laurel Street, Bridgeton, New Jersey; Ladies Shirt Waist; 5 learners (T); June 1, 1943.

Sir James, Inc., 834 S. Broadway, Los Angeles, California; Slack Suits, Slacks, Blouses, Skirts; 4 learners (T); June 1, 1943.

Smith Bros. Mfg. Co., 524 Howard Street, Carthage, Missouri; Overalls and jackets; 20 learners (T); June 1, 1943.

Style Wea. Manufacturing Company, 441 Chapel Street, New Haven, Connecticut; Women's cotton pajamas; 10 learners (T); June 1, 1943.

Theresa Dress Company, 219 Pine Street, Old Forge, Pennsylvania; Dresses; 10 learners (T); June 1, 1943.

Morris Trichon Co., Inc., 919 Walnut Street, Philadelphia, Pennsylvania; Men's shirts; 5 learners (T); June 1, 1943.

*Cigar*

I. Lewis Cigar Manufacturing Co., Morgan Street, Selma, Alabama; Cigars; 150 learners (E); Cigar machine operator and packer 320 hours at 75% applicable minimum wage; October 1, 1942.

*Gloves*

Berlin Glove Company, 615 Fox Alley, Berlin, Wisconsin; Leather Dress and Work Gloves; 10 percent (T); June 1, 1943.

Consolidated Glove Corp., 120 Catherine Street, Malone, New York; Army mittens, barbed wire gloves and work gloves; 10 percent (T); June 1, 1943.

Devoret Glove Company, 370 West 28th Street, New York, New York; Knit Fabric Gloves; 5 learners (T); June 1, 1943.

Galena Glove and Mitten Company, Garfield Avenue, Dubuque, Iowa; Work Gloves; 10 learners (T); June 1, 1943.

The Glove Corporation, 1535 S. B Street, Elwood, Indiana; Work Gloves; 5 learners (T); June 1, 1943.

Good Luck Glove Company, College and Washington Streets, Carbondale, Illinois; Work Gloves; 25 learners (E); December 1, 1942.

The Daniel Hays Company, Inc., 185 West Fulton Street, Gloversville, New York; Leather Dress Gloves; 10 percent (T); June 1, 1943.

Oneonta Glove Company, Inc., 42 Market Street, Oneonta, New York; Knit Fabric Gloves; 5 learners (T); June 1, 1943.

Ross Glove Company, Sheboygan, Wisconsin; Leather Dress Gloves; 5 percent (T); June 1, 1943.

Vincent Sanges, 118 So. Main Street, Gloversville, New York; Leather dress gloves; 1 learner (T); December 1, 1942.

Streeter, Hackney and Company, 321 W. State Street, Johnstown, New York;



Leather Dress Gloves; 5 learners (T); June 1, 1943.

Superb Glove Company, 108 South Market Street, Johnstown, New York; Leather Dress Gloves; 12 learners (T); June 1, 1943.

#### Hosiery

Acme Hosiery Mills, Inc., North Street, Asheboro, North Carolina; Seamless Hosiery; 10 percent (T); June 1, 1943.

Belknap Mills Corporation, 37 Mill Street, Laconia, New Hampshire; Seamless Hosiery; 5 percent (T); June 1, 1943.

Douglass Hosiery Mills Company, Gilbertsville, Pennsylvania; Full-fashioned hosiery; 4 learners (T); June 1, 1943.

Elliott Knitting Mills, Inc., 8th Street, Hickory, North Carolina; Seamless Hosiery; 10 percent (T); June 1, 1943. (This certificate replaces the one bearing the expiration date of November 13, 1942.)

Harriss and Covington Hosiery Mills, Inc., 308 Oak Street, High Point, North Carolina; Seamless Hosiery; 10 percent (T); June 1, 1943. (This certificate replaces the one bearing the expiration date of October 2, 1942.)

Harvard Silk Hosiery Mills, 18 West 22 Street, New York, New York; Full-fashioned hosiery; 5 learners (T); June 1, 1943.

Hose, Inc., Sweetwater, Tennessee; Seamless hosiery; 4 learners (T); June 1, 1943.

Huffman Full Fashioned Mills, Inc., Meeting Street, Morganton, North Carolina; Full-fashioned hosiery; 10 percent (T); June 1, 1943.

O. E. Hearn & Son, Inc., High Point, North Carolina; Seamless Hosiery; 5 percent (T); June 1, 1943.

Lutz Hosiery Mill, 107 Boundry Street, Lenoir, North Carolina; Seamless Hosiery; 10 learners (T); June 1, 1943.

Milne Hosiery Mills, South Broad Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners (T); February 1, 1943.

Owen Osborne, Inc., E. Spring St., Gainesville, Georgia; Full-fashioned hosiery; 10 percent (T); June 1, 1943. (This certificate replaces the one bearing the expiration date of February 9, 1943.)

Philtex Mfg. Co., Inc., 250 W. Cambria Street, Philadelphia, Pennsylvania; Full-Fashioned Hosiery; 10 learners (T); February 1, 1943.

Shannon Hosiery Mills, Inc., 1338 Talbotton Road; Columbus, Georgia; Full-Fashioned Hosiery; 10 percent (T); June 1, 1943.

Slatedale Knitting Mills, Inc., Slatedale, Pennsylvania; Seamless Hosiery; 10 percent (T); June 1, 1943. (This certificate replaces the one bearing the expiration date of June 19, 1942.)

West Orange Hosiery Mills, Inc., Stiger Street, Hackettstown, New Jersey; Full-Fashioned Hosiery; 5 learners (T); June 1, 1943.

#### Telephone

Central Iowa Telephone Co., 303 Security Building, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Traer, Iowa Ex-

change, located at Traer, Iowa; until June 1, 1943.

Commonwealth Telephone Co., 45 Owen St., Forty Fort, Pennsylvania; to employ learners as commercial switchboard operators at its Tunkhannock, Pennsylvania Exchange, located at 130 Warren St., Tunkhannock, Pennsylvania; until June 1, 1943.

Commonwealth Telephone Co., 45 Owen St., Forty Fort, Pennsylvania; to employ learners as commercial switchboard operators at its Dallas, Pennsylvania Exchange, located at 15 Church Street, Dallas, Pennsylvania; until June 1, 1943.

The Community Telephone Co., 32 Cherry St., Leipsic, Ohio; to employ learners as commercial switchboard operators at its Leipsic, Ohio Exchange, located at 32 Cherry Street, Leipsic, Ohio; until June 1, 1943.

Seacoast Telephone Co., Georgetown, South Carolina; to employ learners as commercial switchboard operators at its Georgetown, South Carolina Exchange, located at Georgetown, South Carolina; until June 1, 1943.

#### Textile

Abbeville Mills, Mills Street, Abbeville, South Carolina; Rayon and Cotton; 3 percent (T); June 1, 1943.

The Baer Co., 7th and Bridge Streets, Leighton, Pennsylvania; Cotton, Silk, Rayon, and Nylon and Synthetic; 3 percent (T); June 1, 1943.

J. W. Sanders Cotton Mills, Inc., Starkville, Mississippi; Cotton fibres; 5 learners (T); June 1, 1943.

Signed at New York, N. Y., this 30th day of May 1942.

MERLE D. VINCENT,  
*Authorized Representative of  
the Administrator.*

[F. R. Doc. 42-5099; Filed, June 1, 1942; 11:37 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and §522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 1, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner

provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Hassenfeld Brothers, Inc., 1033 Broad St., Central Falls, Rhode Island; Set-up paper boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring, and slitting; December 1, 1942.

Signed at New York, N. Y., this 30th day of May 1942.

MERLE D. VINCENT,  
*Authorized Representative  
of the Administrator.*

[F. R. Doc. 42-5100; Filed, June 1, 1942; 11:37 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 4734]

#### CONSUMER'S RESEARCH SERVICE AND CONSUMER'S REPORT SERVICE

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1942.

In the Matter of Nathaniel Friedman, an individual, trading and doing business under the names, Consumer's Research Service, and Consumer's Report Service.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

*It is ordered*, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, June 19, 1942, at ten o'clock in the forenoon of that day (central standard time) in the Hotel Sherman, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL]

OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 42-5087; Filed, June 1, 1942; 10:48 a. m.]



[Docket No. 4761]

BERTHA M. URBAN

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1942.

In the matter of Bertha M. Urban.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

*It is ordered*, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, June 25, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room No. 20, Federal Building, O'Neill, Nebraska.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-5086; Filed, June 1, 1942;  
10:48 a. m.]

[Docket No. 4737]

## MOTOR EQUIPMENT SPECIALTY COMPANY

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1942.

In the matter of Hiram E. Barber, an individual, trading and doing business under the name Motor Equipment Specialty Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That James A. Purcell, trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, June 22, 1942, at ten o'clock in the forenoon of that day (central standard time) in Hearing Room, Post Office Building, McCook, Nebraska.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately

to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-5085; Filed, June 1, 1942;  
10:48 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Administrative Order 2]

CHARLOTTESVILLE (VA.) MOTORS, INC.

## DELEGATION OF AUTHORITY TO ISSUE SUBPOENAS AND TO CONDUCT HEARING

Pursuant to the authority conferred upon the Administrator by War Production Board Directive No. 1, as supplemented, and by paragraph 3 of Executive Order No. 9125, the following order is prescribed:

(a) In connection with the pending investigation concerning alleged violations of the Tire Rationing Regulations by Charlottesville Motors, Inc., Charlottesville, Virginia, Philip Weltner, Regional Attorney of Region IV, is authorized to sign and issue subpoenas requiring any person whose attendance and testimony is necessary or proper to the conduct of said investigation to appear or testify or to appear and produce documents, or both.

(b) In connection with the investigation referred to in paragraph (a) above, said Philip Weltner, or such person as he may designate, is authorized to hold and conduct a hearing concerning said alleged violations, to act as chairman of said hearing, to administer oaths and affirmations, and to exercise any discretion necessary or appropriate to the proper conduct of said hearing.

Issued and effective this 29th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5042; Filed, May 29, 1942;  
4:48 p. m.]

[Docket No. 3077-3]

## EAST FAYETTE COAL COMPANY

## GRANTING PETITION FOR ADJUSTMENT

Order No. 2 Under Revised Price Schedule No. 77—<sup>1</sup> Beehive Oven Furnace Coke Produced in Pennsylvania.

On May 5, 1942, the East Fayette Coal Company, Scottdale, Pennsylvania, filed a petition for an adjustment pursuant to § 1345.57 (b) of Revised Price Schedule No. 77. Due consideration has been given to the petition, and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the

<sup>1</sup> 7 F.R. 1352, 1836, 2000, 2132, 2760.

Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

(a) The East Fayette Coal Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, beehive oven furnace coke produced by it at ovens formerly operated by Lincoln Coal and Coke Company at Keisterville, Menallen Township, Fayette County, Pennsylvania, at a price not to exceed \$6.40 per net ton f. o. b. ovens. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such coke at such price from the East Fayette Coal Company.

(b) The price stated herein may be charged for shipments of such coke made on or after May 1, 1942.

(c) The permission granted to East Fayette Coal Company in this Order No. 2 is subject to the condition that there be filed with the Office of Price Administration, on or before the last day of each month, profit and loss statement and itemized statement of costs for the preceding month.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1345.58 of Revised Price Schedule No. 77 shall apply to terms used herein.

(g) This Order No. 2 shall become effective May 30, 1942.

Issued this 30th day of May, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5073; Filed, May 30, 1942;  
12:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-47 and 59-43]

## JACKSONVILLE GAS COMPANY, AND AMERICAN GAS AND POWER COMPANY

## SUPPLEMENTAL FINDINGS AND ORDER APPROVING PLAN AS MODIFIED AND DIRECTING APPLICATION TO COURT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of May, A. D. 1942.

Jacksonville Gas Company, a Florida corporation and a subsidiary of American Gas and Power Company, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan to effectuate the provisions of section 11 (b) of the Act, which plan is more fully described in the findings and opinion hereinafter referred to; and

The Commission having issued a notice of filing and order for hearing on said

<sup>2</sup> 7 F.R. 971.



application, and having thereafter issued a notice of and order for hearing with respect to the applicant and said American Gas and Power Company under sections 11 (b) (2) and 15 (f) of the Act, all of which matters were consolidated for the purpose of hearing; and

A hearing having been held pursuant to appropriate notice on the foregoing matters, in which all security holders of the applicant and other interested persons were given opportunity to be heard, and the Commission, on the basis of the record made at such hearing and the contentions of security holders and other interested persons, having made and filed its findings and opinion dated May 27, 1942, proposing certain modifications to said plan and finding that the plan if modified in accordance with said findings and opinion would be fair and equitable to the persons affected thereby and necessary to effectuate the purposes of section 11 (b) of the Act; and

The applicant having this day filed in this proceeding a document by which it accepts and adopts the modifications of the plan referred to in said findings and opinion of the Commission, and requests the Commission to take appropriate action to enforce the plan as so modified, pursuant to the provisions of section 11 (e) of the Act;

The Commission now finds, on the basis of its findings and opinion herein dated May 27, 1942, that the plan as this day modified by the applicant is fair and equitable to the persons affected thereby and is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and should be approved subject to the conditions hereinafter enumerated.

The Commission further finds that appropriate action to enforce and carry out the terms and provisions of the plan as so modified is for the Commission to apply to the District Court of the United States for the Southern District of Florida, in compliance with the request of the applicant pursuant to section 11 (e) of the Act: *Provided*, That the applicant shall give appropriate notice of the Court proceedings to its security holders in the manner hereinafter specified. Accordingly it is

*Ordered*, On the basis of the foregoing and pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, that the plan herein modified as set forth above be, and the same is, hereby approved, subject to the following conditions:

1. That the Commission reserves jurisdiction with respect to such further consideration of the proposed indenture, certificate of incorporation and similar documents pertaining to the new company as may be prepared in connection with and prior to final consummation of the plan as modified;

2. That the Commission reserves jurisdiction with respect to such matters as require the further attention of the Commission in the proceeding pending under section 15 (f) of the Act with respect to the applicant; and

3. That the Commission reserves jurisdiction with respect to such further

amendments or modifications, if any, of the plan, as the District Court of the United States for the Southern District of Florida may refer to the Commission for consideration.

*Further ordered*, That counsel for the Commission be and they hereby are authorized and directed to make application forthwith on behalf of the Commission to the District Court of the United States for the Southern District of Florida to enforce and carry out the terms and provisions of the plan as modified, pursuant to the provisions of subsection (e) of said Act and the request duly filed herein by the applicant; and it is

*Further ordered*, That the applicant shall give notice of the date set by the Court for hearing on said application, by mailing to each of its security holders of record and to each of its security holders not of record whose name and mailing address are known to it, a copy of the findings and opinion herein dated May 27, 1942, and a copy of this order, together with a copy of such notice of hearing as the Court may direct.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-5088; Filed, June 1, 1942;  
11:02 a. m.]

[File Nos. 59-46, 4-36]

CITIES SERVICE COMPANY, ET. AL

ORDER EXTENDING TIME FOR FILING OF ANSWERS AND CONTINUING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of May, A. D. 1942.

In the Matters of Cities Service Company, Empire Gas and Fuel Company, Cities Service Gas Company, Cities Service Oil Company (Delaware), and Indian Territory Illuminating Oil Company, Respondents, (File No. 59-46); Cities Service Company and Empire Gas and Fuel Company, Respondents. (File No. 4-36)

The Commission having heretofore on the 4th day of May, 1942, issued its Notice of and Order Instituting Proceedings and Setting Date for Hearing under sections 11 (b) (2), 12 (c), 12 (f) and 15 (f) of the Public Utility Holding Company Act of 1935 in this matter;

Such order having provided that the Respondents, Cities Service Company, Empire Gas and Fuel Company, Cities Service Gas Company, Cities Service Oil Company (Delaware) and Indian Territory Illuminating Oil Company, should file with the Secretary of the Commission on or before May 20, 1942, answers to the allegations contained in said notice and order and having further provided that a hearing should be held on such matters at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 o'clock in the forenoon of May 26, 1942;

The Commission having on the 19th day of May, 1942, upon the request of the Respondents, ordered that the time within which answers should be filed by

the Respondents be extended to June 1, 1942 and that the date for hearing be extended to June 10, 1942;

Such Respondents having now requested that the time within which answers should be filed be extended to June 10, 1942, and that some date thereafter be fixed for the hearing to be held in such matters; and

The Commission having considered such request for extension and finding that the same is not unreasonable and that the granting of such request would not be detrimental to the public interest or the interest of investors:

*It is ordered*, That the time within which answers shall be filed by the Respondents herein be and hereby is extended to June 10, 1942.

*It is further ordered*, That the hearing shall be held in this matter on June 22, 1942 at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 o'clock in the forenoon of such date.

By the Commission

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-5089; Filed, June 1, 1942;  
11:02 a. m.]

[File No. 54-52]

PUGET SOUND POWER & LIGHT COMPANY AND  
ENGINEERS PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING ON PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May 1942.

Engineers Public Service Company, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the reclassification of Puget Sound Power & Light Company, a subsidiary company of said Engineers Public Service Company, which plan provides:

1. Puget will reclassify its existing prior preference stock so that holders thereof will receive  $2\frac{1}{2}$  shares of new preferred for each share of existing prior preference.

2. Puget will reclassify its existing preferred stock so that holders thereof will receive  $1\frac{3}{5}$  shares of new common for each share of existing preferred. The 18,005 shares of existing preferred held in Puget's treasury will be cancelled.

3. Puget will reclassify its existing common stock so that holders thereof will receive  $\frac{1}{2}$  of a share of new common for each share of existing common.

4. The plan is conditioned upon the issuance and sale of \$46,500,000 principal amount of First Mortgage Bonds, Series A,  $3\frac{1}{2}\%$  due 1972, and \$8,000,000 principal amount of Debentures,  $3\%$  due 1951, and upon other matters. No declaration has been filed with respect to said financing.

In said plan Engineers Public Service Company requests the Commission, after the issuance of its order, to apply to a court in accordance with the provisions



of subsection (f) of section 18 of the Act to enforce and carry out the provisions of the plan.

The capitalization and surplus (corporate and per books) of Puget as of December 31, 1941 were as follows:

	Amount	Per-cent
Bonds.....	\$58,884,500	48.30
Notes payable to banks.....	65,709	.05
Preferred stock:		
\$5 prior preference, cumulative, no par, 110,000 shares <sup>1</sup> .....	9,327,304	7.65
\$6 preferred, cumulative, no par, 263,995 shares <sup>1</sup> .....	25,119,544	20.61
Common stock, no par, 1,318,388 shares.....	14,000,000	11.48
Capital surplus.....	7,064,800	5.80
Earned surplus.....	7,452,726	6.11
Total capitalization.....	\$121,914,583	100.00

<sup>1</sup> Preferred dividend arrearages as at December 31, 1941 were as follows:

Prior preference.....	\$3,025,000
Preferred.....	14,783,720
	\$17,808,720

The bonds, notes, prior preference stock and preferred stock are publicly held. Of the 1,318,388 shares Engineers Public Service Company owns and holds 1,309,388 shares. Through the ownership of such common stock, Engineers Public Service Company holds 77.4% of the voting power of Puget Sound Power & Light Company. As a result of the proposed reclassification Engineers Public Service Company will receive 59,515 shares of the new common stock out of 422,803 shares to be outstanding. If the plan is consummated, the holders of the existing prior preference stock will have 36.3% of the voting power in the reorganized company. Holders of the existing preferred stock will have 55.8% and holders of the existing common stock will have 7.9%.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and con-

sumers that a hearing be held with respect to said matter:

*It is ordered,* That a hearing on such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on June 17, 1942 at 10:00 o'clock A. M. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in Room 318 will advise as to where such hearing will be held.

*It is further ordered,* That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That without limiting the scope of the issues presented by said application otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the plan is feasible in view of the fact that the plan is expressly made contingent upon the completion of certain financing which has not been accomplished and in respect of which no declaration or registration statement has been filed.

2. Whether the plan as filed is necessary to effectuate the purposes of section 11 (b) of the Act and is fair and equitable to the persons affected thereby.

*It is further ordered,* That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Puget and Engineers not less than ten days prior to the date hereinbefore fixed as the date of the hearing;

and that notice of said hearing is hereby given to subsidiaries of Puget and Engineers, the security holders of Puget, Engineers and subsidiaries thereof, consumers of said companies, all States, municipalities and political subdivisions of States within which are located any of the utility assets of Puget or under the laws of which any of such companies are incorporated, all State commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over Puget or Engineers or any subsidiaries thereof or over any of the businesses, affairs, or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than ten days prior to the date hereinbefore fixed as the date of hearing.

*It is further ordered,* That Engineers Public Service Company and/or Puget Sound Power & Light Company on or before June 3, 1942, mail to all stockholders of said Puget Sound Power & Light Company of record at the close of business on May 27, 1942, notices of the date, time and place of said hearing.

*It is further ordered,* That any person proposing to intervene in this proceeding shall file with the Secretary of the Commission on or before June 13, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-5090; Filed, June 1, 1942; 11:02 a. m.]

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